



COUNCIL AGENDA

COUNCIL CHAMBERS
COMMUNITY
ADMINISTRATION
CENTRE (CAC)

14 DECEMBER 2021

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Council will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 14 December 2021, commencing at 6.00 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 information, recommendation or advice.

Council or a Council Committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –

- (a) the General Manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the General Manager took the advice into account in providing general advice to the Council or Council Committee; and
- (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the Council or Council Committee with the General Manager's certificate.

Notices of Motion and supporting documentation from Councillors are exempted from this certification.

ROBERT HIGGINS
GENERAL MANAGER
9 DECEMBER 2021



AGENDA
FOR THE COUNCIL MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
14 DECEMBER 2021

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- Meeting with the Department of Education to discuss the Dodges Ferry Recreation Centre Deed – 3/11/2021
- Internal Assetic Presentation, including My Predictor demonstration – 9/11/2021
- Copping Refuse Disposal Site meeting with Clarence City Council, Kingborough Council, Tasman Council and South Waste Solution representatives, to discuss the financial implications of gate fee increases – 18/11/2021
- Dynamics 365 Business Central training sessions held by Dialog – 23/11/2021 – 26/11/2021 & 30/11/2021 – 1/12/2021

9.0 PETITIONS

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At the time of preparation of this agenda no petitions had been received.

10.0 LAND USE PLANNING

The Mayor advised in accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a planning authority pursuant to the Land Use Planning and Approvals Act 1993 is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under item 10 on this agenda, inclusive of any supplementary items.

10.1 TASMANIAN PLANNING SCHEME – DRAFT SORELL LOCAL PROVISIONS SCHEDULE – REPRESENTATIONS RECEIVED DURING PUBLIC EXHIBITION PERIOD

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RECOMMENDATION

“That Council in its role as a Planning Authority, and in accordance with Section 35F of the Land Use Planning and Approvals Act 1993, endorse and submit to the Tasmanian Planning Commission this report about the exhibition of the draft Sorell Local Provisions Schedule, which includes the following particulars:

- As set out in Attachment A - 1, the Planning Authority’s consideration of the received representations including opinions as to the merit of each representation and any subsequent recommendation for modification to the draft LPS;
- As set out in Attachment A – 2, the Planning Authority’s recommended modifications to the draft LPS following the exhibition period made in



- accordance with Section 35F(2)(c) and 35F(2)(e) of the Land Use Planning and Approvals Act 1993;
- (c) A copy of each representation received during the public exhibition period (Attachment B); and
 - (d) Determination that the draft LPS (including any recommendations) satisfies the local provisions schedule criteria set out under section 34(2) of the Land Use Planning and Approvals Act 1993.”

Introduction

Council, at its special meeting on 26th October 2021, considered and endorsed the section 35F report by the Consultant Senior Planner in relation to the Sorell Local Provisions Schedule. This report detailed the Council’s responses to the representations received during the exhibition period. This report and associated documents were provided to the Tasmanian Planning Commission (TPC) on 28th October 2021.

On 10th November 2021 Council received correspondence from the TPC stating that in their view, the report did not meet the requirements of section 35F(2)(c)(i) and section 35F(2)(d) of the Land Use Planning and Approvals Act (“LUPAA”) because in some instances the recommendations were not sufficiently clear.

This was particularly relevant to the following matters:

- Concern held that the minutes of the meeting did not adequately reflect the recommendations, and in particular concern that the minutes did not specifically reference the determination that the draft LPS satisfies the local provisions schedule criteria set out under section 34(2) of LUPAA;
- Concerned that in the recommended actions of representation 3, in the view of the TPC the recommendation was reliant upon land owner consent, and this needs to be modified.
- Concerned that representation 9 and 11 relied upon state government mapping which is not forthcoming;
- Concerned that representation 13 relied upon mapping that was not provided as an attachment and the recommendation was not sufficiently clear;
- Concerned that the recommendation for representation 14 was not sufficiently clear and that adequate detail was not provided around Council’s endorsement of the proposed SAP.
- Concerned that the recommendation for representation 15 incorrectly referenced a property;
- Concerned that the recommendation in representation 24 was not sufficiently clear;



- Concerned that the recommendation in the representation 34 was not sufficiently clear and there was a typographical error;
- Concerned that the recommendation in representation 39 was not sufficiently clear;
- Concerned that the recommendation within representation 41 was not sufficiently clear;
- Concerned that the recommendation within representation 71 was not sufficiently clear;
- Concerned that there was a typographical error in the assessment of representation number 1 and 67.

The TPC also requested that the row labelled “Effect of recommendation on draft LPS” was not consistently responded to. In addition the TPC requested a copy of the reporting undertaken by RMCG Agricultural Consultants to be provided to them.

This report represents an updated version of the Section 35F report. To resolve some of the concerns held, greater clarity has been provided, and in some instances, changes have been made to other properties as well to provide consistency.

In reviewing the report, it was also found that Attachment B had a number of errors which have now been amended.

Relevance to Councils Plans and Policies

The Sorell Local Provisions Schedule (“LPS”) represents the most significant strategic planning tool available for the management of use and development within the Municipality. The LPS has been informed by a number of strategic policies including:

- The Southern Tasmanian Regional Land Use Strategy;
- The Regional Ecosystem Model – summary of the Regional Ecosystem Model of Tasmanian biodiversity including Example of Priority Vegetation Area Planning Report;
- Bushfire Prone Areas TasFire Supporting Report;
- Mapping of the Agricultural and Rural Zones including Guidelines and Decision Tree;
- Sorell Council Strategic Plan 2019 – 2029;
- Dunalley and Environs Structure Plan 2013;
- Sorell Land Supply Strategy 2019.
- Sorell Open Space Strategy 2000.
- Guideline No. 1 Local Provisions Schedule: zone and code application.



Summary

This report summarises the representations received during the 60 day exhibition period and makes a range of recommendations regarding any necessary changes to the Sorell LPS in accordance with the relevant Strategies and zone application guidelines.

Background

Through amendments to LUPAA, the State Government has legislated for the introduction of a single state-wide planning scheme to be known as the Tasmanian Planning Scheme. The Tasmanian Planning Scheme will replace all existing local council planning schemes and will come into effect for each council once the relevant LPS is declared/approved for that local government area.

In general terms, the Tasmanian Planning Scheme will comprise two parts:

- (1) a set of standardised state-wide planning “rules” called the State Planning Provisions – (administrative provisions, provisions for zones, codes, etc.); and
- (2) a Local Provisions Schedule which contains the zone and code overlay maps that apply the State Planning Provisions to a local council area.

As part of the transition to the Tasmanian Planning Scheme, each local council is required to prepare a Local Provisions Schedule for its own local government area, with this work essentially about the spatial application of the State Planning Provisions. In other words, it can generally be described as a mapping exercise to determine where the standardised zones and codes of the State Planning Provisions are to be applied.

At its ordinary meeting of 25th June 2019, the Sorell Council determined to endorse and submit the draft LPS to the TPC which has been prepared for the Sorell local government area.

On 31st May 2021, the Commission directed Council to exhibit the draft LPS for the statutory 60-day exhibition period required under LUPAA. This statutory period ran from 15th June 2021 until 16th August 2021.

Statutory Requirements

Following the statutory public exhibition of the draft LPS (carried out in accordance with the requirements of sections 35C and 35D of LUPAA), Council must now prepare a report to the Commission regarding that exhibition. The report is to consider the representations received during the public exhibition period including an assessment and recommendations on whether the matters raised in those representations are of sufficient merit to necessitate a



modification to the draft LPS. The specific legislative requirements for this post exhibition report are set out under section 35F of LUPAA and replicated below.

LUPAA - Section 35F – Report by planning authority to Commission about exhibition

- (1) *A planning authority, within 60 days after the end of the exhibition period in relation to a draft LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft LPS.*
- (2) *The report by the planning authority in relation to the draft LPS is to contain*
 - (a) *a copy of each representation made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS before the end of the exhibition period in relation to the draft LPS, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
 - (b) *a copy of each representation, made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS after the end of the exhibition period in relation to the draft LPS, that the planning authority, in its discretion, includes in the report; and*
 - (ba) *a statement containing the planning authority's response to the matters referred to in an LPS criteria outstanding issues notice, if any, in relation to the draft LPS; and*
 - (c) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to – (i) whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account the representation; and (ii) the effect on the draft LPS as a whole of implementing the recommendation; and*
 - (d) *a statement as to whether it is satisfied that the draft LPS meets the LPS criteria; and*
 - (e) *the recommendations of the planning authority in relation to the draft LPS.*
- (3) *Without limiting the generality of subsection (2)(e), the recommendations in relation to a draft LPS may include recommendations as to whether –*
 - (a) *a provision of the draft LPS is inconsistent with a provision of the SPPs; or*
 - (b) *the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or*
 - (c) *the draft LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.*

Community Engagement

In accordance with the requirement of LUPAA, the draft LPS was made available for public exhibition for a period of 60 days. The public exhibition period was



conducted from 15th June 2021 until the close of business on Monday 16th August 2021.

During this period the community could inspect all documentation associated with the LPS in hard copy form at Council offices or at the Commission, or electronically through Council's website. Representations could be made to the exhibited documents.

Council has fulfilled its statutory obligations under LUPAA by:

- (a) Newspaper notifications published in the Mercury Newspaper on 12 June 2021 and 19 June 2021;
- (b) The exhibition of the relevant documents at the Sorell Council offices at 47 Cole Street, Sorell TAS 7172;
- (c) At the Tasmanian Planning Commission;
- (d) Via Council's website.

In addition to the statutory requirements, Council included notification of the exhibition of the Scheme within the newsletter issued with all rates notices in July; put up social media posts, and Council staff undertook briefings to a key interest group (farmers and producers in the region). Council staff were also available for meetings, phone conversations and to answer written enquiries during the exhibition period.

Representations

74 Representations were received during the public exhibition period with a further 1 received outside of the statutory time period. The list of representors is outlined below:

No.	Representor	Properties it relates to
1	Eric Ortmann	208 Bally Park Road, Dodges Ferry,
2	TasWater	Various sites.
3	John Thompson	Various Sites.
4	Mr Geoff Storr	38 Brooklyn Drive, Penna.
5	Mr Patrick Stronach	476 and 478 Bream Creek Road. ; 0427 535 493
6	Dean Downham	465 Kellevie Road,
7	Tina Polley	Lot 1, no 11 Brinktop Road
8	Tom O'Connor	Bushfire Prone Areas Code
9	Derek Pennington	459 Shark Point Road
10	Maria and Nikolaus Mitsakis	312 Shark Point Road, Penna TAS 7171
11	Peter and Wendy Stepien	459 Shark Point Road
12	David Newitt	188 Arthur Highway
13	Hobart Airport	Airports overlay



14	James Stewart, Woolcott Surveyors	Lot 1, Old Forcett Road, Dodges Ferry
15	Andy North, North Barker	Application of the Priority vegetation overlay
16	R and J Kain	154 Lewisham Scenic Drive, Lewisham TAS 7173
17	D and C Allanby	312 Marion Bay Road, Marion Bay TAS 7175
18	Michelle Schleiger, Woolcott surveyors	223 Carlton River Road.
19	Gary Kingston	CT 103575/1, and 103575/2 at 285 Bream Creek Road
20	John Field	314 Marion Bay Road, Bream Creek TAS 7175
21	Michael Ball	37 Weston Hill Road
22	Gary Kingston	Derford Farms, 285 Bream Creek Road, BREAM CREEK TAS 7175
23	Gary Kingston	Derford Farms, 285 Bream Creek Road, BREAM CREEK TAS 7175
24	Paul Blake	19 Riviera Drive, Carlton TAS 7173
25	D and J Grafton, Escape Investments	152 Lewisham Scenic Drive
26	M Jacobson	19 Jacobson's Road, Kellevie TAS 7176
27	D and J Grafton, Escape Investments	152 Lewisham Scenic Drive
28	Dr Lee Peterson	Burnt Hill Road, PID 2179649, 3192124, 3260318, 3370744, 3370752, 5960959, 7873947, 3370760, 3370779, 7873947
29	Dr Lee Peterson	
30	Dr Lee Peterson	
31	Greg Baynton	679 Fulham Road, Connelly's Marsh
32	Alexander Gray	Fulham, 258 Fulham Road Dunalley
33	Mark Sands	Woods Road, Lot 2 Stokes Road and 174 Woods Road, Kellevie TAS 7176
34	Kevin Goodall	172 Primrose Sands Road, Primrose Sands
35	Joan Ward	316 Marion Bay Road, Bream Creek TAS 7175
36	Emma and Tim Birchall	12 Elizabeth Street, Lewisham TAS 7173
37	Eric Giardullo	Lot 15 Drovers Rise, Carlton River
38	Danielle Gray	Lot 1 Tamarix Road, Primrose Sands
39	David Newitt	Mt Garrett, 188 Arthur Highway
40	PC and DJ Jacobson	"Ragged Tier", 641 Bream Creek Road, Bream Creek TAS 7175
41	Mea Quartararo	136 Arthur Highway, Sorell
42	Ian Stanley	Waterson Lane, Baudin Road and McGinness Road
43	Michael Morley	356, 382 and 404 Shark Point Road.
44	Kate and Iain Field	114 Bryans Rd, Copping TAS
45	Brian Risby	207, 211 and 215 Marion Bay Road
46	Gwen Egg	Jack Flats



47	James Jacobson	382 Shark Point Road PENNA TAS 7172
48	Daimon Wiggins	404 Shark Point Road PENNA TAS 7172
49	Tony Buissink	356 Shark Point Rd PENNA TAS 7172
50	Trent Henderson	Nugent Road, Wattle Hill (PID 7410440)
51	Leigh Burgess	Nugent Road, Sorell, CT 123492/1
52	Boland Developments	Primrose Sands Road, PID 3334858 and Lot 501 Primrose Sands Road
53	Trent Henderson	297 Primrose Sands Road, PID 9648106 and Carlton River Road PID 3416730
54	Gwen Egg	Parnella Reserve
55	Patrick Carroll, Principal Land Use Planning Analyst	Various Sites
56	Danielle Gray	2588 Tasman Highway, Sorell
57	Chris Jacobson	'Myrtle Wood' 304 Bream Creek Road
58	Will Downie	1930 Arthur Highway COPPING TAS 7174
59	Odin Kelly, TasNetworks	Application of the Electricity Transmission Code
60	James Dunbabin	529 Bream Creek Road, Bream Creek
61	Poppy Scharkie, Ireneinc	Arthur Highway (CT 114604/2) and 3 Kidbrook Road, Sorell
62	Chris Fahey	1 High Street, Dunalley
63	Phil Gartrell, Ireneinc	4a Dodges Hill Road, Dodges Ferry
64	Michael Ball	14 Knights Road, Connelys Marsh
65	Evan Boardman, E3 Planning	625 Shark Point Road
66	Hazelwood Pty Ltd	2057 Arthur Highway, Copping TAS 7174
67	Chris Irvine, SES Tas	Application of various codes
68	Evan Boardman, E3 Planning	13-15 Jetty Road, Dodges Ferry
69	Patrick Burke	499 Bay Road, Marion Bay TAS 7175
70	Justine Brooks	Lot 1 Arthur Highway (PID 5935403)
71	Andrew Sinclair	Cape Bernier Vineyar, 230 Bream Creek Road, Bream Creek
72	Justine Brooks, PDA Surveyors	664 Shark Point Road.
73	Mark Scanlon	241 Burnt Hill Road, Bream Creek
74	Robert Higgins	Various Sites.
75	Shannon Campbell	4 Marshton Lane, Copping 7174

Discussion

The draft LPS has been prepared in accordance with the requirements of LUPAA. As instructed and set out under section 34(2) of LUPAA, a draft LPS must satisfy a set of criteria which are detailed below.



A draft LPS must:

- (a) contain all the provisions that the State Planning Provisions specify must be contained in an LPS;
- (b) comply with the content requirements specified by section 32 of LUPAA;
- (c) further the objectives set out in Schedule 1 of LUPAA;
- (d) be consistent with each State Policy;
- (e) be, as far as practicable, consistent with the relevant regional land use strategy;
- (f) have regard to the relevant strategic plan, prepared under section 66 of the Local Government Act 1993;
- (g) be, as far as practicable, consistent with and co-ordinated with any LPS's that apply to adjacent municipal areas; and
- (h) have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

Before the draft LPS was made available for public exhibition, the Commission was required to be satisfied that the above criteria contemplated under section 34(2) of LUPAA were met. This process involved many discussions over a period of a number of years. Prior to exhibition, the Commission directed Council to undertake some modifications to the draft LPS that was originally submitted in June 2019 – to ensure satisfaction with the requirements of the abovementioned LPS criteria.

The draft LPS as made available for public exhibition has been determined by the Commission to satisfy the LPS criteria. Any modifications to the draft LPS from this point will need to be appropriately justified and re-assessed by the Commission for compliance with the LPS Criteria.

Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application

The principal point of instruction for the allocation of zones and codes made with the draft LPS is Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (June 2018). This Guideline was issued by the Commission in accordance with s.8A of LUPAA.

The application of all zones and code overlays included with the draft LPS must be in accordance with Guideline No.1. This Guideline is specifically used in assisting to determine compliance with the LPS criteria described previously.

Zone allocations made with the Sorell draft LPS

The draft LPS assigns all land with the Sorell local government area to a zone and it is that zoning that provides the primary mechanism for regulating land use and development under the planning scheme. The zoning makes provision for what use and development can occur in particular areas and under what circumstances.



The allocation of zones made with the draft LPS has sought to find an appropriate balance between:

- (1) the instruction contained in the LPS Zone and Code Application Guideline; and
- (2) zoning assignments that provide for an appropriate recognition of existing and well-established land use and development patterns in the Sorell municipality.

Broader strategic planning considerations

The Minister for Planning has, on multiple occasions, advised local councils that the State Government's position is that the LPS process is not about the opportunity to undertake significant strategic land use planning reviews.

The above approach is not intended to diminish the need for or importance of some broader strategic land use planning reviews. Instead it aims to recognise that such matters do have the potential to unnecessarily complicate and delay the draft LPS process. Council recognises the need to undertake some more contemporary localised strategic land use planning reviews (such as the preparation of a residential settlement strategy). These initiatives are currently being pursued – but ultimately this will occur outside and separate to the draft LPS process.

Broader strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA either to the current Interim Planning Scheme or an approved draft LPS – and where there is appropriate strategic planning to support those changes (such as a residential settlement strategy).

The draft LPS process should not be unnecessarily complicated or delayed by matters which can be appropriately considered through the usual planning scheme amendment process under LUPAA.

Modifications to the draft LPS following public exhibition

Any significant changes which are of a more strategic nature (and which may require additional strategic planning, including strategies to justify those changes) will undoubtedly complicate and delay the finalisation of the draft LPS. Some of the matters raised in the representations can be categorised as being of a broader strategic nature relating to the expansion of existing settlement areas or responding at a strategic level on applying more appropriate zones. In some instances there is limited strategic justification to support these changes as part of the draft LPS process. It is recommended that these matters should be considered as more substantial modifications, or can be considered as part of the usual planning scheme amendment process under LUPAA to an approved LPS – and when there is appropriate strategic planning in place to support those changes. It is important to emphasise that all those persons who made a representation will



have the opportunity to further elaborate their claims as part of the public hearing process conducted by the Commission in its assessment of the draft LPS. In this context, Council's recommendations on the representations are not necessarily a final outcome for those affected persons. A summary of the recommended modifications to the draft LPS following the exhibition period is included at Attachment 1 – Part B.

Next steps in the draft LPS process

Following receipt of the Council's report on the exhibition of the draft LPS, the Commission will undertake an assessment of the representations received and facilitate public hearings into the representations received during the public exhibition period.

Financial Implications

There are no direct financial implications from this LPS.

Risk Implications

There are no direct risk implications from this LPS.

CAROLINE LINDUS
CONSULTANT SENIOR PLANNER
Date: 7/12/2021

Attachments: - Attachment A – 1 - Analysis of Representations
– located in *Councillor Drive*
Attachment A – 2 – Planning Authorities Recommendation

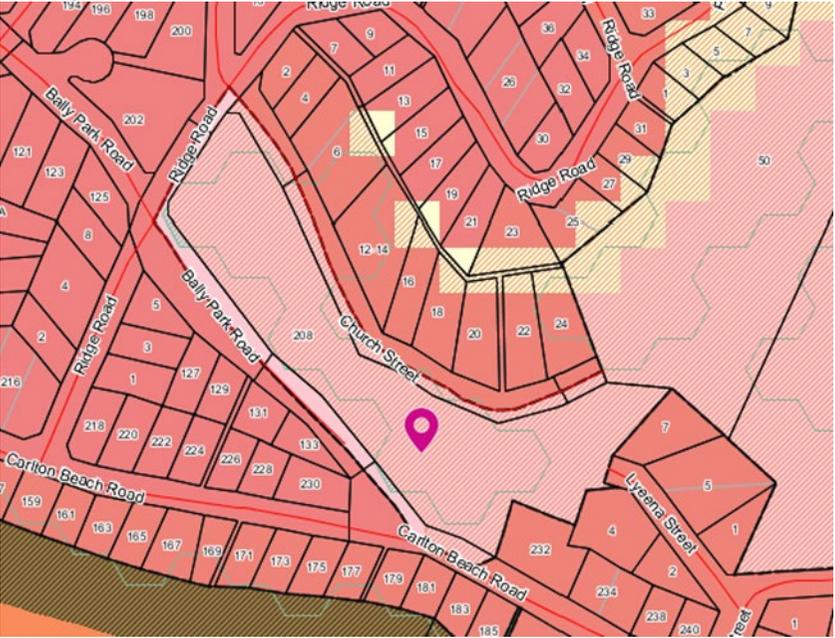




Attachment to item number 10.1-

ANALYSIS OF REPRESENTATIONS

Attachment A – 1 - Analysis of Representations

<p>Representation No 1</p>	<p>Eric Ortman – 208 Bally Park Road, Dodges Ferry</p>
<p>Matters raised in representation</p>	<p>This representor would like to see his property zoned from Rural Living D to Residential as he believes the property would be more consistent with surrounding land uses as Residential. It is noted that the surrounding land uses are in fact Low Density Residential</p>  <p>Figure 1 Subject site at 208 Bally Park Road. Source Council's SSA zoning maps.</p>
<p>Planning Authority Response</p>	<p>The site is a substantial partial of land surrounded by Low Density Residential zoned land with Rural Living Zone C to the north east. Under the SIPS the site was zoned Environmental Living. The site is at risk of inundation and has the priority vegetation area overlay applicable and is bushfire prone.</p>

The LPS Zone and Code application guidelines are the first point of reference in considering the appropriate zones for a site. Beyond that, the Southern Tasmanian Regional Land Use Strategy is also relevant for consideration in the application of zones. The application of the Rural Living Zone should be:

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*
- (b) The land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as applying the Rural Living Zone D where the minimum lot size is 10ha or greater.*

This site has been previously zoned Environmental Living, the zoning of Rural Living C enables a minimum lot size of 5ha which is not inconsistent.

Conversely, the zoning of the land as General Residential is considered inconsistent. The Zone application guidelines state:
GRZ1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:

- (a) are not targeted for higher densities (see Inner Residential Zone); and*
- (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system*

GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:

- (a) within the General Residential Zone in an interim planning scheme;*
- (b) within an equivalent zone under a section 29 planning scheme; or*
- (c) 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; and*
- (d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,*

GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.

	This site does not represent the main urban area of the Sorell municipality, nor does it have reticulated services. It has not been identified in regional strategies for rezoning. Furthermore this site does have a number of natural hazards including priority vegetation and high levels of inundation risk. To that end, this site should not be rezoned to General Residential, with the applied zone of Rural Living C being appropriate.
Recommended Action	No modification to the draft LPS is required.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 2</i>	TasWater – municipal wide.
Matters raised in representation	Support for the LPS and no concerns raised.
Planning Authority Response	Noted
Recommended Action	No modification to the draft LPS is required.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<p><i>Representation No 3</i></p>	<p>John Thompson from Conservation Landholders Tasmania – Various properties including: Marchwield #4, 670 Marchwiel Rd, CT 150885/1 476 Bream Creek Rd, CT 133344/2 478 Bream Creek Rd, CT 112447/2 Pawleena Road, CT 209713/1 Hacks Road, CT 228177/1 Lot 1 Stokes Rd, CT 48879/1 and 158763/1 Woods Road, CT 237841/1, and 209265/1 Lot 2 Stokes Rd, CT 247159/2 Lot 2 Heatherbell Road, CT 157410/2 Sugarloaf Road, CT 54271/1, 127 Drovers Rise, CT 169762/7 129 Drovers Rise, CT 169762/8 131 Drovers Rise, CT 169762/9 130 Drovers Rise, CT 169762/12 132 Drovers Rise, CT 169762/11 134 Drovers Rise, CT 169762/10 48 Drovers Rise, CT 169762/13 12 Drovers Rise, CT 169762/14 Lot 15 Drovers Rise, CT 169762/15 96 Drovers Rise, CT 169762/17 94 Sugarloaf Road, CT 169762/16 473 Sugarloaf Road, CT 180723/19 Arthur Highway, CT 209918/1 and 118713/2 Arthur Highway, CT 206815/1 and 118713/2 Lot 1 Edward Street, CT 163462/1</p>
<p>Matters raised in representation</p>	<p>The representor raised concerns that the incorrect zoning has been applied to properties that have conservation covenants on that. Specifically 24 different certificates of title have been identified that in the representors view should have been zoned Landscape Conservation, but have been zoned Rural or Agriculture. These have been assessed on a property basis below.</p>

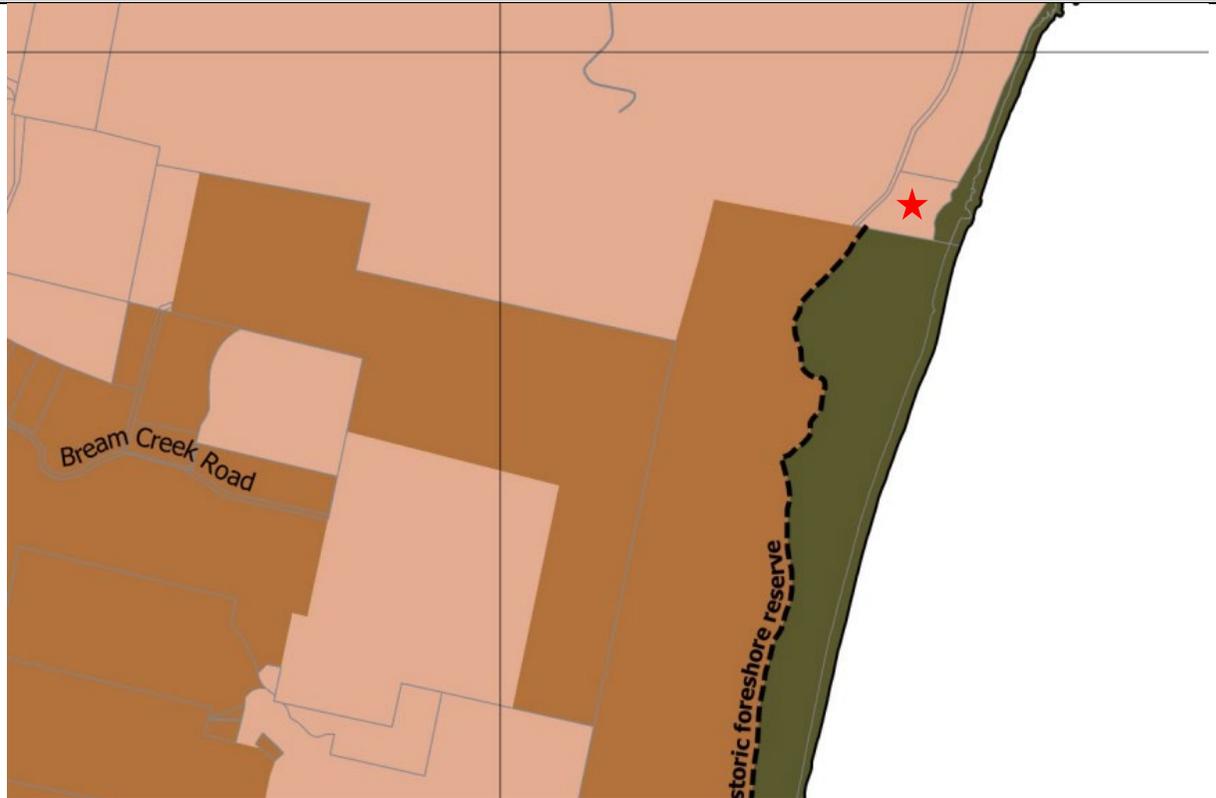
<p>Planning Authority Response</p>	<p>Lot One: 670 Marchwiel Road</p>  <p><i>Figure 2: 670 Marchwiel Road.</i></p>
<p>Planning Authority Response</p>	<p>The site is a smallish lot of just over 6.5ha, adjoining Point du Ressac Conservation Area and otherwise surrounded by a larger property holding known as 'Marchweil'.</p> <p>The site is predominantly covered by native vegetation which is identified as a threatened vegetation community under TasVeg 4.0 mapping (<i>Eucalyptus globulus</i> dry forest and woodland) as shown in Figure 3 below (threatened vegetation mapping is in blue).</p>



Figure 3 : Threatened vegetation mapping on site at 670 Marchwiel.

About half the site (47%) is subject to a Conservation Covenant as shown in Figure 4 below (protected area is in green). The area conserved provides habitat for the threatened swift parrot.



Figure 4: Conservation covenant on site.

Under the SIPS the site is zoned Rural Resource and wholly within the Scenic Protection Area and Bushfire Prone Area overlays. Part of the site is also currently subject to the Biodiversity Protection Area and Landslide Hazard Area (low risk) overlays.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Scenic Protection and Bushfire Prone Area overlays. Additionally, it is also entirely subject to the Natural Asset overlay.

The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:

The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

		<p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p>Having regard to the land characteristics it is considered that the site has landscape values that are identified for protection and conservation both from an ecological and scenic value perspective. The site is not considered suitable for the broad range of activities that may occur in the Rural zone given these values. The site is also adjoining land is zoned environmental management. Therefore zoning the site Landscape Conservation is considered an appropriate outcome and the zoning is recommended to be changed.</p>
<p>Lot Two and Three: 476 and 478 Bream Creek Road</p>		

		 <p data-bbox="786 871 1391 895"><i>Figure 5: Subject properties at 476 and 478 Bream Creek Road</i></p>
	<p data-bbox="539 932 658 1031">Planning Authority Response</p>	<p data-bbox="786 932 1973 1139">476 and 478 Bream Creek Road are two separate titles under the same ownership. They are both internal lots accessed via a right of way from Bream Creek Road. To east, north and west is a larger farm holding (Pleasant View). This is similarly zoned Rural under the draft LPS. To the south is another smallish lot used for rural residential purposes (contains an existing dwelling) which is also proposed to be zoned Rural and then a larger rural holding which has been in the past partially utilised for the Falls Festival. This larger parcel of land is in the Agriculture Zone under the draft LPS.</p> <p data-bbox="786 1187 1989 1283">The two lots are managed as a single land holding and the conservation covenant is a single agreement applying to both sites. Most of the land is subject to the Conservation Covenant as shown in the image below (site boundaries shown in white).</p>



Figure 6: Conservation covenants at 476 and 478 Bream Creek Road.

Under the SIPS the site is zoned Rural Resource and wholly within the Scenic Protection Area and Bushfire Prone Area overlays. Part of each lot is also currently subject to the Landslide Hazard Area (low risk) overlay.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Scenic Protection and Bushfire Prone Area overlays. Additionally, it is also entirely subject to the Natural Asset overlay.

The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:

The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the

		<p><i>area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p>While the site has landscape values that are identified for protection and conservation from an ecological and scenic value perspective, both lots are located in the middle of land otherwise zoned rural, some of which are similar sized lots. Given that the Natural Asset Code and Scenic Protection Code will also protect those values and use of the Landscape Conservation Zone in this location will create an isolate spot zoning and inconsistency with the zoning of adjoining land parcels, it is considered appropriate to retain the rural zoning.</p>
<p>Lot Four: Pawleena Road, CT 209713/1</p>		

		 <p>The map shows a large area labeled 'PAWLEENA' in a light orange color. A vertical yellow line represents Pawleena Road. A red star is placed on a parcel to the east of the road. To the right of the road, there is a dark green area representing the Mount Morrison Conservation Area. Several other parcels are outlined in grey.</p>	
	<p>Planning Authority Response</p>	<p>This is an isolated parcel of land of 20.2 ha which is heavily vegetated. The Conservation Covenant on the site applies to its entirety as shown in the figure below. It adjoins the Mount Morrison Conservation Area to the east (area to be zoned Environmental Management) with all other surrounding land owned by Sustainable Timbers Tasmania.</p>	

Figure 7: Subject property identified at Pawleena Road.



Figure 8: Conservation Covenant on the subject property identified.

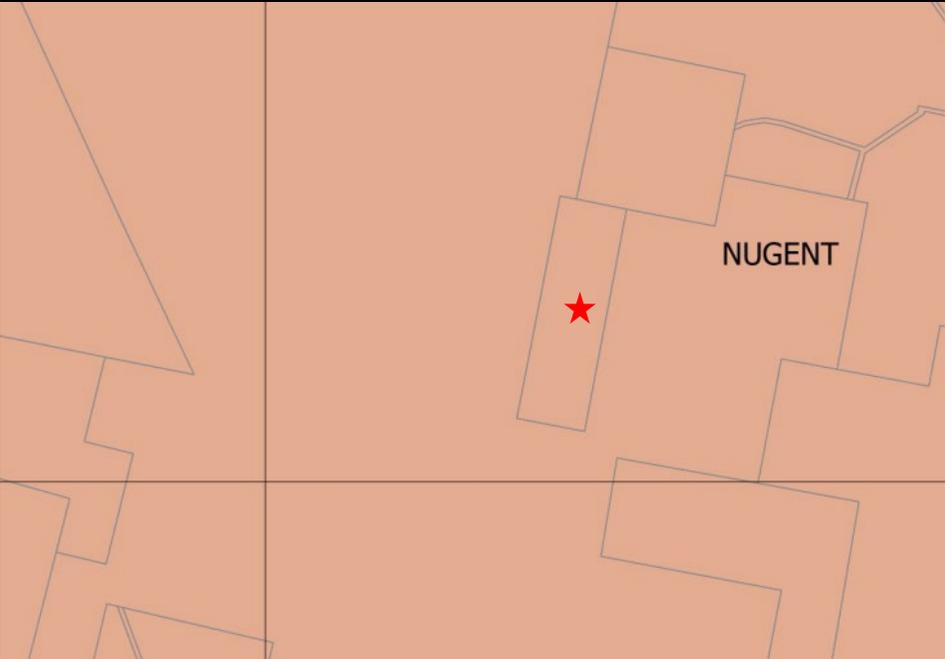
Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low risk) and Waterway and Coastal Protection overlays.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is also entirely subject to the Natural Asset overlay.

The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:

The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the

		<p><i>area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p>Having regard to the land characteristics it is considered that the site has significant ecological values. It also adjoins land zoned Environmental Management.</p> <p>That said the ecological values will be protected by way of the Natural Assets Overlay and the site otherwise has no identifiable landscape values. The rezoning to Landscape Conservation is not supported,.</p>
<p>Lot Five: Hacks Road, CT 228177/1</p>		

			
	<p>Planning Authority Response</p>	<p><i>Figure 9: Subject site at Hacks Road identified.</i></p> <p>This is an isolated parcel of land of 22.4 ha which is heavily vegetated. 74% of the title area is subject to a conservation covenant.</p> <p>Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of the lot is also currently subject to the Landslide Hazard (low risk) and Waterway and Coastal Protection overlays.</p> <p>Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is partially subject to the Natural Asset overlay.</p>	

		<p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p>The site does have some ecological values. It is however otherwise wholly surrounded by land that is proposed to be zoned Rural and given the application of the Priority Vegetation Overlay the most significant values are considered to be sufficiently protected through the planning scheme</p>
<p>Lot six and seven: Lot 1 Stokes Rd, CT 48879/1 and 158763/1</p>		

		<p>Figure 10 Lot 1 Stokes Road identified.</p>	
	<p>Planning Authority Response</p>	<p>This site comprises two title areas with a total area 173.9ha under the same ownership. The northern lot (48879/1) has 48% of its site area reserved through conservation covenant while the larger southern lot has only 4% reserved through conservation covenant. It is the same conservation covenant which applies across both lots.</p> <p>The site adjoins numerous other parcels of land. Some of these are used for rural activities. The site does however adjoin the Woodvine Nature Reserve (area to be zoned Environmental Management under the draft LPS) and other titles subject to conservation covenants to the north-east.</p>	

Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk) and Waterway and Coastal Protection overlays.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is also partially subject to the Priority Vegetation overlay.

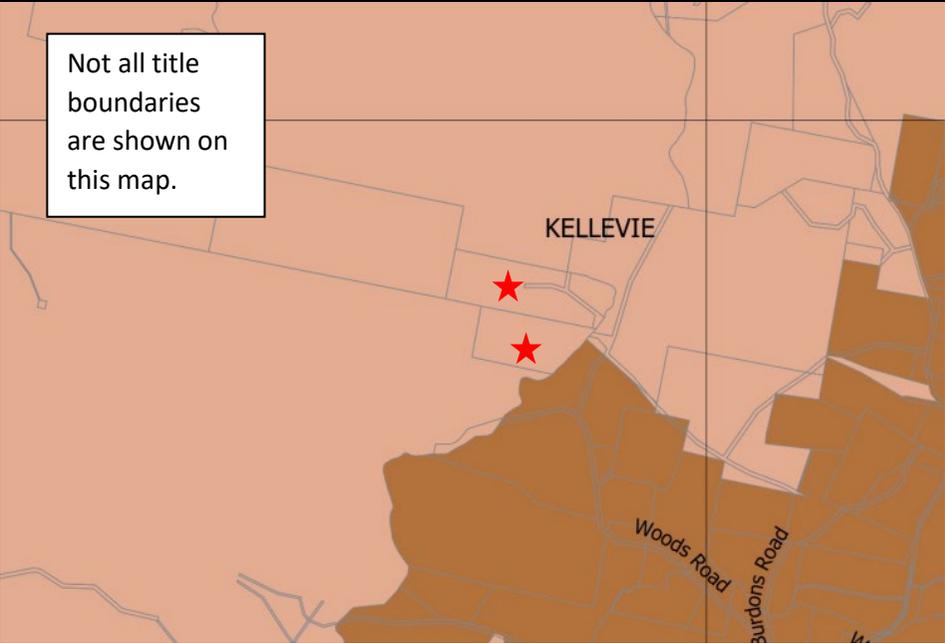
While the site contains large areas of native vegetation it is also, as evident from the aerial imagery, used for plantation forestry (although no Private Timber Reserves) and some cleared unimproved pasture. This occurs on both titles and the extent of the proposed Natural Asset overlay appears to overlap into areas used for plantation forestry.



Figure 11: The subject titles highlighted.

The representor has requested split zoning with most of the northern title zoned Landscape Conservation with a small portion of the southern title. The representors has indicated that the case

		<p>is strengthened due to presence of Kellevie Reserve to the north east which they have also put forward as being zoned Landscape Conservation.</p> <p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While the site does have significant ecological values, there are no other identified landscape values. Split zoning of the lots would also create inconsistency with other lots in the surrounding area which are also proposed to be zoned Rural but include areas reserved through conservation covenants (for example the adjoining Hazelwood property C.T. 178879/1 and 238676/1 to the east and south-east). Ecological values will be protected through the Priority Vegetation overlay.</p> <p>The proposed split zoning is not supported.</p> <p>Given the application of the Priority Vegetation application, the absence of other identified landscape values and the zoning approach to adjacent land, the split zoning to Landscape Conservation is not supported.</p>
<p>Lots eight to ten: Woods Road, CT 237841/1, and 209265/1, Lot 2 Stokes Rd, CT 247159/2</p>		

		 <p>Not all title boundaries are shown on this map.</p> <p>KELLEVIE</p> <p>Woods Road</p> <p>Stokes Road</p>
	<p>Planning Authority response</p>	<p>This site comprises three lots under the same ownership. Each lot is below 15 ha each and is fully vegetated. Most of the site is subject to conservation covenant, although a small area has been left clear presumably to allow for a future dwelling.</p> <p>The site adjoins land with mixed characteristics. To the north is land under the ownership of Sustainable Timbers Tasmania, which includes Sugarloaf Reserve (an informal reserve under <i>the Rebuilding the Forest Industry Act 2014</i>). To the south-east is the land discussed above (lots six and seven) while to the east is mixed farming land.</p> <p>Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk), Biodiversity Protection Area and Waterway and Coastal Protection overlays.</p>

		<p>Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is fully subject to the Priority Vegetation overlay.</p> <p>The representor has requested that all lots are entirely zoned Landscape Conservation.</p> <p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While the site does have significant ecological values there are no other identified landscape values. The ecological values will however be protected through the Priority Vegetation overlay. Wholly zoning these lots, Landscape Conservation would create an relatively small isolated area of spot zoning within a area where only the Rural and Agriculture zones are used.</p> <p>The proposed rezoning to Landscape Conservation is not supported.</p>
<p>Lot eleven: Lot 2 Heatherbell Road, CT 157410/2</p>		

		 <p data-bbox="786 791 1442 815"><i>Figure 13: The subject property identified at Lot 2 Heatherbell Road.</i></p>
	<p data-bbox="539 863 658 962">Planning Authority response</p>	<p data-bbox="786 863 1984 927">This is a 33.5ha site located adjacent to rural residential areas in Forcett district. It is partially cleared and contains an existing dwelling. 68% of the site area is reserved by way of conservation covenant.</p> <p data-bbox="786 970 1973 1070">Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk), Biodiversity Protection Area and Waterway and Coastal Protection overlays.</p> <p data-bbox="786 1114 1921 1214">Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard (low), Priority Vegetation and Waterway and Coastal Protection overlays.</p> <p data-bbox="786 1257 1789 1289">The representator has requested that all of the lot is zoned Landscape Conservation.</p> <p data-bbox="786 1332 1917 1390">The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p>

		<p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While the site does have significant ecological values there are no other identified landscape values. The ecological values will however be protected through the Priority Vegetation overlay. Wholly zoning this lot would create an isolated zoning of Landscape Conservation and inconsistency with adjoining lots to the north, east and south which have similar characteristics and would remain in the rural zone.</p> <p>The proposed rezoning to Landscape Conservation is not supported.</p>
<p>Lot twelve: Sugarloaf Road, CT 54271/1</p>		

		 <p>Figure 14: Lot 12 identified at Sugarloaf Road.</p>
	<p>Planning Authority response</p>	<p>This is a 25.4 ha lot located near the Arthur Highway and Sugarloaf Road intersection. It has a cleared building area on the corner closest to the intersection with the rest of the lot comprising bushland. It is similar in characteristics to surrounding lots.</p> <p>Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk), Biodiversity Protection Area and Waterway and Coastal Protection overlays.</p> <p>Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard (low) and Waterway and Coastal Protection overlays. It would however be wholly covered by the Priority Vegetation Overlay.</p>

		<p>The representor has requested that all of the lot is zoned Landscape Conservation.</p> <p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While the site does have significant ecological values there are no other identified landscape values. The ecological values will however be protected through the Priority Vegetation overlay. Wholly zoning this lot would create an isolated zoning of Landscape Conservation and inconsistency with adjoining lots with would be zoned Rural and Agriculture.</p> <p>The proposed rezoning to Landscape Conservation is not supported.</p>
<p>Lots thirteen to twenty four: 127 Drovers Rise, CT 169762/7, 129 Drovers Rise, CT 169762/8, 131 Drovers Rise, CT 169762/9, 130 Drovers Rise, CT 169762/12, 132 Drovers Rise, CT 169762/11, 134 Drovers Rise, CT 169762/10, 48 Drovers Rise, CT 169762/13, 12 Drovers Rise, CT 169762/14, Lot 15 Drovers Rise, CT 169762/15, 96 Drovers Rise, CT 169762/17, 94 Sugarloaf Road, CT 169762/16, 473 Sugarloaf Road, CT 180723/19</p>		

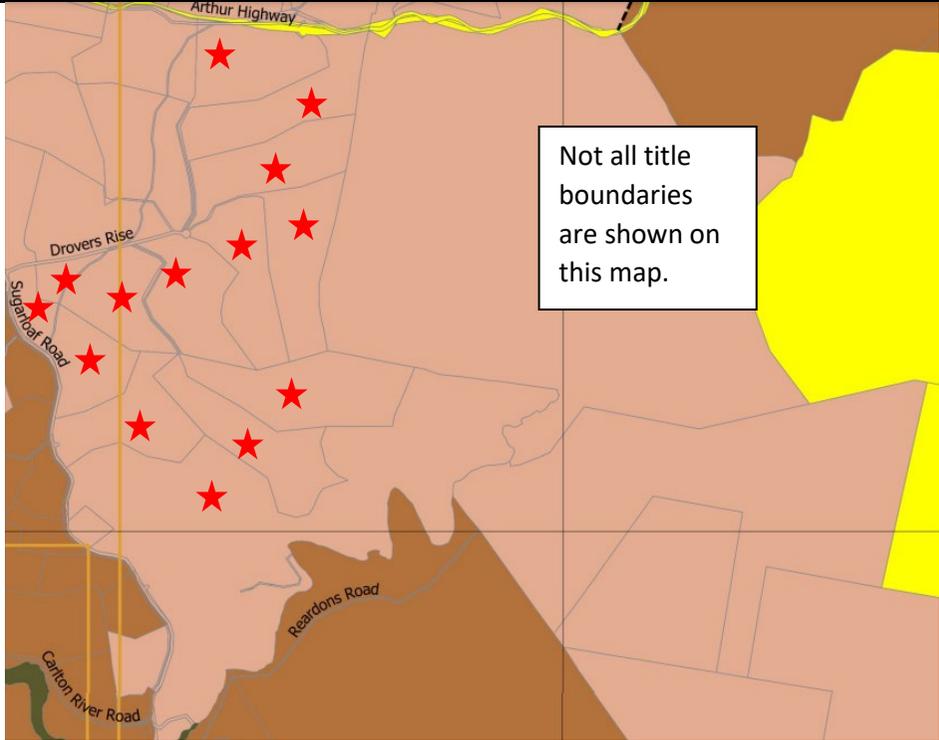
			
	<p>Planning Authority response</p>	<p>This is contiguous group of 14 lots that extend from the Arthur Highway to the Carlton River area. Lots are generally around 40ha in area and are all separately owned. They were created as a result of a single subdivision at which time the conservation covenant was placed on the land. The conservation covenant covers 323 ha.</p> <p>The ecological values protected by the conservation covenant are diverse and include threatened vegetation communities, habitat for swift parrot and the presence of wedge tail eagle nests.</p> <p>The representor has requested split zoning of these parcels based on the conservation covenant area. The amount of land reserved on each title varies from as little as 1% through to 90% of the lot area.</p>	

Figure 15: The 14 lots identified at Drovers Rise.

Under the SIPS the lot is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk) and Waterway and Coastal Protection overlays and there are small areas in the Biodiversity Protection overlay.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is also partially subject to the Priority Vegetation overlay. The Priority Vegetation overlay generally aligns with the area subject to the conservation covenant as shown below.

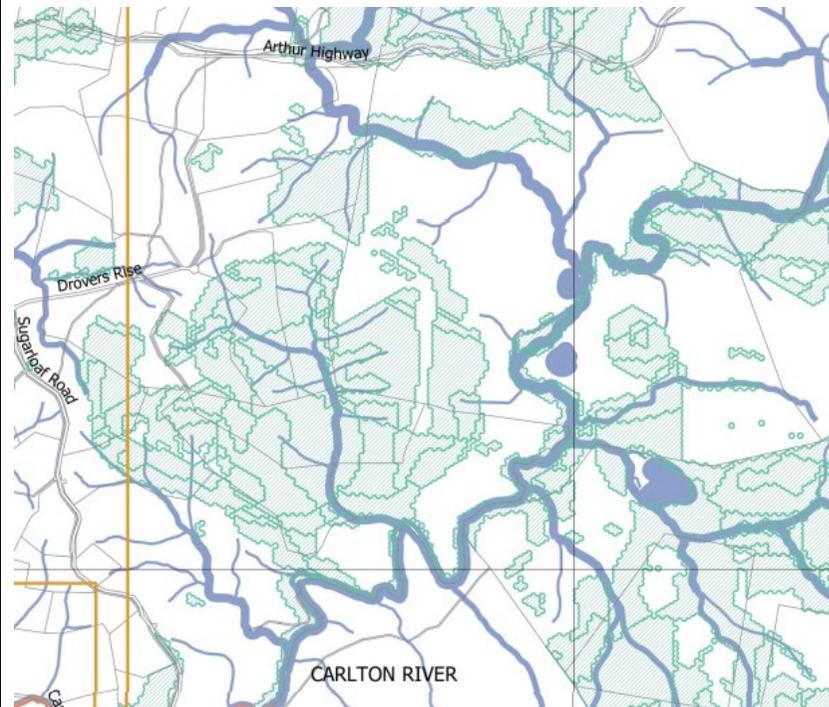


Figure 16: The overlays shown over the Drovers Rise Lots.

		<p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While each lot do have significant ecological values, there are no other identified landscape values. The area maintains rural characteristics and the lots have been created as a rural subdivision. Split zoning of the lots would also create inconsistency with other lots in the surrounding area which are also proposed to be zoned Rural but include areas reserved through conservation covenants. Ecological values will be protected through the Priority Vegetation overlay.</p> <p>The proposed split zoning is not supported.</p>
<p>Lots twenty six to twenty eight: Arthur Highway, CT 209918/1. 206815/1 and 118713/2</p>		

		<p>Figure 17: The lots highlighted at Arthur Highway.</p>
	<p>Planning Authority response:</p>	<p>The site is comprised of three lots with a combined area of 246.3ha. The sites are under the same ownership as are some adjoining lots. The site is heavily vegetated and comprises some of the hill backdrop to rural land along Fulham Road.</p> <p>86% of the site is reserved through conservation covenant and has diverse ecological values. The site adjoins on two sites the Africa Gully Nature Reserve under the ownership and management of the Tasmanian Parks and Wildlife Service (PWS). The area of the site not reserved has been used for forestry activities.</p> <p>Under the SIPS the lot is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk) and Waterway and Coastal Protection overlays and there are small areas in the Biodiversity Protection overlay.</p>

		<p>Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard, Priority Vegetation and Waterway and Coastal Protection overlays.</p> <p>The representor has requested that the three lots are entirely zoned Landscape Conservation and has argued that the rest of the land not subject to conservation covenant is not suitable for agriculture.</p> <p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>The site does have both ecological and landscape values that warrant the application of the Landscape Conservation Zone, particularly having regard to the review of the zoning for the nearby lot discussed below. However, as part of the site has evidently been used for forestry activities it is not considered suitable to apply across the entire area.</p> <p>Partial zoning of the site to Landscape Conservation (using the conservation covenant boundaries as a basis for the zone change) is however supported.</p>
Lot twenty nine: Lot 1 Edward Street, CT 163462/1		

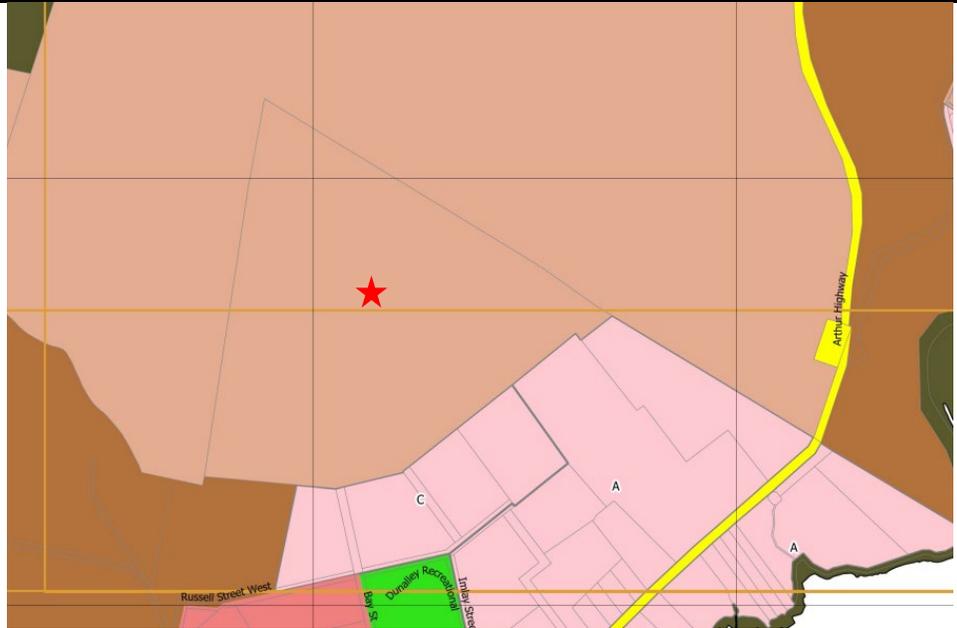


Figure 18: The lot highlighted at Lot 1 Edward Street.

Planning Authority response.

This is a triangular shaped lot of 39.6ha which is heavily vegetated. The lot adjoins the settlement boundary for Dunalley as shown in the Dunalley Structure Plan (see figure below) and reflect in the zone maps. It comprises a substantial component of 'Township hill' which forms the forested landscape background for Dunalley.

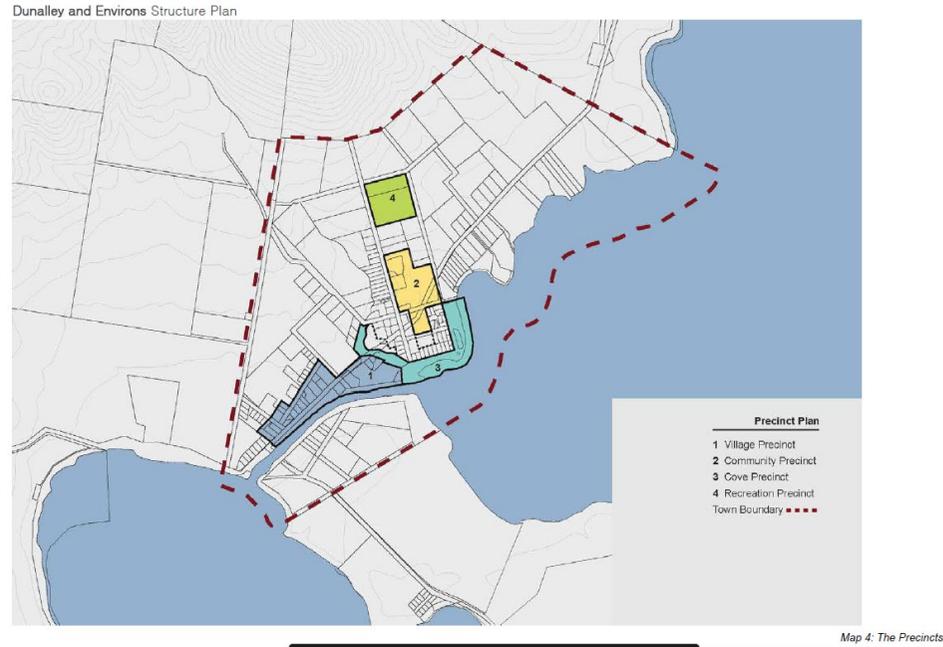


Figure 19: Settlement boundary for Dunalley.

82% of the lot area is reserved through conservation covenant. Its ecological values are diverse and include threatened vegetation communities as well as habitat for threatened species.

Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk), Biodiversity Protection Area and Waterway and Coastal Protection overlays.

		<p>Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard (low) and Waterway and Coastal Protection overlays. It would however be wholly covered by the Priority Vegetation Overlay.</p> <p>The representor has requested that all of the lot is zoned Landscape Conservation.</p> <p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>The site not only has significant ecological values, it also forms an important forested backdrop to the Dunalley township, with hillface and skyline landscape values.</p> <p>Given these values and that it adjoins the settlement, zoning of the site to Landscape Conservation is considered appropriate and is supported.</p> <p>Ideally this zoning would be extended to 2876 Arthur Highway (C.T. 237464/1 and 133565/1) which also form part of the forested landscape backdrop to Dunalley and also includes areas of ecological value as reflected in the Priority Vegetation Overlay.</p>
Recommended Action	Retain the proposed Rural zoning for:	

	<ul style="list-style-type: none"> • 476 Bream Creek Rd, CT 133344/2 and 478 Bream Creek Rd, CT 112447/2 • Pawleena Road, CT 209713/1 • Hacks Road, CT 228177/1 • Lot 1 Stokes Rd, CT 48879/1 and 158763/1 • Woods Road, CT 237841/1, and 209265/1, Lot 2 Stokes Rd, CT 247159/2 • Lot 2 Heatherbell Road, CT 157410/2 • Sugarloaf Road, CT 54271/1, • 127 Drovers Rise, CT 169762/7 • 129 Drovers Rise, CT 169762/8 • 131 Drovers Rise, CT 169762/9 • 130 Drovers Rise, CT 169762/12 • 132 Drovers Rise, CT 169762/11 • 134 Drovers Rise, CT 169762/10 • 48 Drovers Rise, CT 169762/13 • 12 Drovers Rise, CT 169762/14 • Lot 15 Drovers Rise, CT 169762/15 • 96 Drovers Rise, CT 169762/17 • 94 Sugarloaf Road, CT 169762/16 • 473 Sugarloaf Road, CT 180723/19 <p>Apply the Landscape Conservation Zone to Marchwiel #4, 670 Marchwiel Rd, CT 150885/1</p> <p>Apply the Landscape Conservation Zone to the part of Arthur Highway, CT 209918/1. 206815/1 and 118713/2 that is within Conservation Covenant CPR 8679.</p> <p>Apply to the Landscape Conservation Zone to Lot 1 Edward Street, CT 163462/1 and extend zoning across 2876 Arthur Highway (C.T. 237464/1 and 133565/1).</p>
Effect of recommendation on the draft LPS	There is no substantial impact upon the draft LPS.

Representation No 4	Mr Geoff Storr, 38 Brooklyn Drive, Penna
Matters raised in representation	<p>Desire to see land north of Shark Point Road and east of Brooklyn Drive at Penna zoned Rural Living, not Rural. Representor resides at 38 Brooklyn identified below.</p>  <p><i>Figure 20 The subject property, the subject of this representation.</i></p> <p>Reasons include all of the lot sizes are under the 40ha minimum, they are not sufficiently large enough to enable a viable agricultural operation, there is no buffer zoned provided between the residential densities to the south of Shark Point Road and the rural land, there is Rural Living land nearby, and the area has the usual services including sealed roads, power, reticulated water and garbage collection.</p> <p>This proposal has been before Council and the TPC before, including in 2017 where it was refused.</p> <p>The representor raises concerns regarding inequitable treatment as other rezonings have occurred, and he has had previous support from Ministerial advisors and the previous Executive Commissioner. The representor is of the belief that the rezoning would meet the requirements under STRLUS, this is particularly the case given that the rezoning now has been limited to a smaller number of lots.</p>
Planning Authority Response	It is noted that there is considerable history regarding this project, with advice given to the representor from a number of government officials. This does not however influence the assessment required to be undertaken.

	<p>Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) the rezoning application was refused. The grounds for refusal at that time were:</p> <ol style="list-style-type: none"> 1. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the <i>Land Use Planning and Approvals Act 1993</i>; and 2. The draft amendment does not further objective 1(b) of Schedule 1 of the <i>Land Use Planning and Approvals Act 1993</i> to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1. <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. It is acknowledged that the representor now wishes to see a reduced application of the Rural Living area, taking the number of potential lots from 120 to 68 lots; however this is still a significant increase in lot numbers and in my view is not considered to meet requirement of SRD 1.3 (c)(ii) which requires only limited subdivision potential. The issue in relation to the sand mine is less critical given the separation from the area requested to be rezoned, and the mine location. However issues around the sewage treatment plant remain, the lagoon system at Midway Point is a Facultative lagoon, designed for dry weather flow of 5,500 to 20,000KL/day. It requires a 700m attenuation distance. It is acknowledged that a number of existing houses both in Midway Point and Penna are within the attenuation distance. However this attenuation requirement remains under the LPS. Further to these issues already identified, a further constraint on development in this area has been identified associated with high landslip risk (see representation 9 and 11 for further details). This highlights the need to limit the amount of residential development in the area, without the services.</p>
Recommended Action	No change to the zoning as it is currently proposed. Without change to the RLUS this continues to represent a stopping point for further Rural Living development.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 5</i>	Patrick Stronach – 476 Bream Creek Road.
Matters raised in representation	Concerned regarding the conservation covenants on his property title at 476 and 478 Bream Creek Road. Believes they shouldn't be zoned Rural and should be zoned Landscape Conservation.

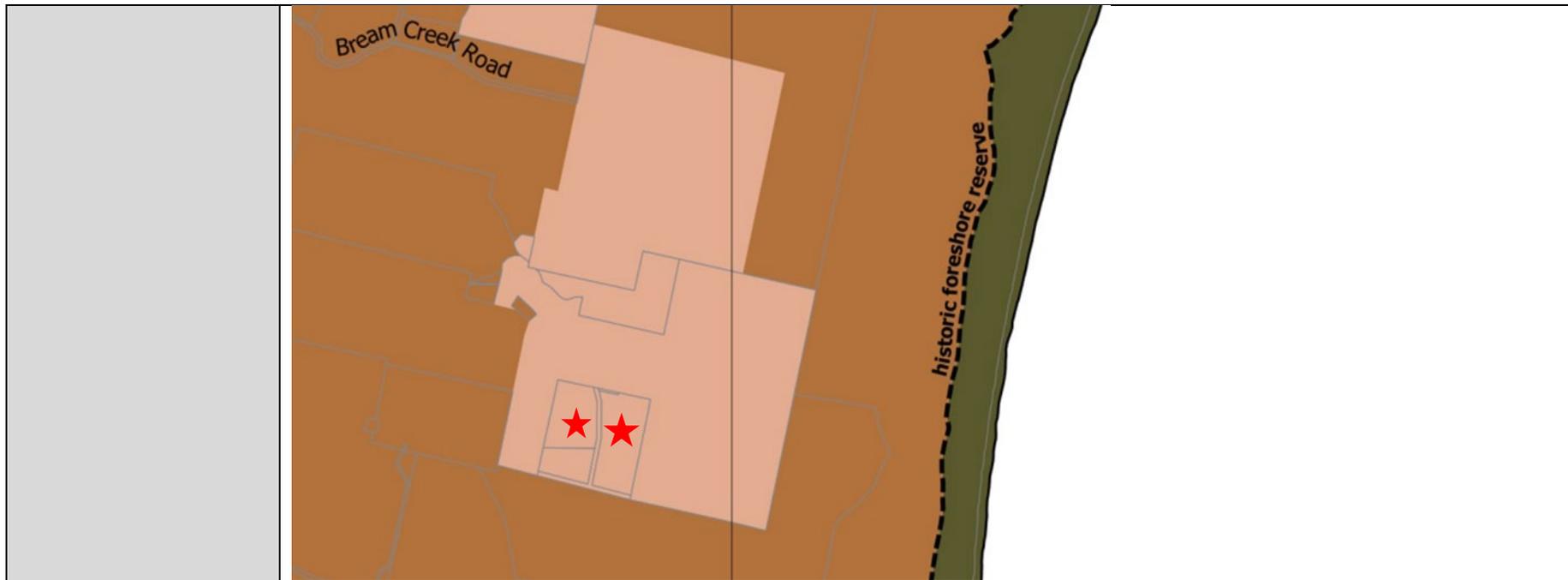


Figure 21 The subject property at 476 and 478 Bream Creek Road identified.

Planning Authority
Response

476 and 478 Bream Creek Road are two separate titles under the same ownership. They are both internal lots accessed via a right of way from Bream Creek Road. To east, north and west is a larger farm holding (Pleasant View). This is similarly zoned Rural under the draft LPS. To the south is another smallish lot used for rural residential purposes (contains an existing dwelling) which is also proposed to be zoned Rural and then a larger rural holding which has been in the past partially utilised for the Falls Festival. This larger parcel of land is in the Agriculture Zone under the draft LPS.

The two lots are managed as a single land holding and the conservation covenant is a single agreement applying to both sites. Most of the land is subject to the Conservation Covenant as shown in Figure 22 below (site boundaries shown in white.)



Figure 22: Location of the Conservation Covenants at 476 and 478 Bream Creek Road.

Under the SIPS the site is zoned Rural Resource and wholly within the Scenic Protection Area and Bushfire Prone Area overlays. Part of each lot is also currently subject to the Landslide Hazard Area (low risk) overlay.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Scenic Protection and Bushfire Prone Area overlays. Additionally, it is also entirely subject to the Natural Asset overlay.

The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:

The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

	<p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p>While the site has landscape values that are identified for protection and conservation from an ecological and scenic value perspective, both lots are located in the middle of land otherwise zoned rural, some of which are similar sized lots. Given that the Natural Asset Code and Scenic Protection Code will also protect those values and use of the Landscape Conservation Zone in this location will create an isolate spot zoning and inconsistency with the zoning of adjoining land parcels, it is considered appropriate to retain the rural zoning.</p>
Recommended Action	Retain the Rural Zone.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 6</i>	DH and LM Downham, 465 Kellevie Road.
Matters raised in representation	The property has been zoned Agriculture and the representor believes it should be zoned Rural.



Figure 23 The subject site highlighted.

The site has a land area of 9.8ha and contains 3 small dams with no opportunities for larger dams due to topography and structures on nearby titles. The site is not part of the south east irrigation scheme. Ground water is briny and not suitable for use. The site is split in half by a road reservation.

The site is not suitable for cropping, with a W/SW orientation reducing the growing season for flowering vegetable crops and grain cropping is unsustainable. Kellavie Rd and adjoining residences 60m away also fetters the site. Corbie grubs are at the site and are difficult to manage. The site is too small to sustain large herds of livestock. It is not feasible to expand the property as it is surrounded by small titles on all sides.

Planning Authority Response

The site is amongst a cluster of titles that vary in size from as small as half a hectare, to over 10ha. A number of these properties are built upon and are used as lifestyle properties. Notwithstanding their capacity, very few are used for intensive agriculture. The land capability of this site is identified as classification 4 although it is surrounded by class 5 land as well. Criteria have been determined for determining the suitability of the site to be used for agricultural purposes. These will be worked through systematically below:

Criteria 1 Land Size	The site is under 10ha, therefore doesn't meet criteria 1 – constrained.
Criteria 2	The site has a capital value of less than \$50K (currently vacant) and adjoining sites have capital value of less than \$50K. Unconstrained. 2B

	Adjoining uses	
	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones.
	This initial analysis suggests it is unconstrained in terms of its agricultural viability. Following this, 7 further guidelines are provided to analyse the suitability of the application of the Agriculture Zone. These are considered below:	
	1	Consideration of local mapping or localised strategic planning. There is none of this work undertaken for this site so this is not applicable.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource
	3	<p>Considerations against unconstrained Titles 2B (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – the site is not in high intensity horticulture and neither are those directly adjacent. • Isolated from agricultural land – the site is adjacent to other lots of various sizes with land capability 4. • Current ownership. The site is not owned in conjunction with other properties and all properties adjacent are in separate ownership. • Agricultural potential – the representor argues limited agricultural potential due to lack of irrigation, small lot size, adjoining dwellings within 100m, and pests on site. • Localised strategic mapping. None has been done. <p>This analysis suggests the site is somewhat constrained.</p>
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Clause (a) – (d) are not applicable. (e) should be considered as there is limited potential for agricultural use as it is not part of a larger farm holding, it is split by a road reserve and constrained by an adjoining dwelling and lack of irrigation.

	7	N/A as the land is identified as potentially suitable for agriculture.
	<p>In summary, the site is identified as being potentially constrained, primarily due to its size, lack of access to water, adjacency to dwellings, being split in two by a road reserve, and the fact that adjoining titles are in separate ownership, inhibiting the likelihood of consolidation of titles, particularly considering the value of land. It is of note that this issue will also be applicable on adjoining sites where similarly the lot sizes are generally less than 10ha, and experience similar constraints.</p>	
Recommended Action	<p>Given the published land capability of class 4, and the surrounding titles being zoned Agriculture, there is the potential that the site could be farmed in conjunction with adjacent land. It is recommended that the proposed Agriculture zoning be retained.</p> <p><i>This analysis was peer reviewed by RMCG Consulting and the recommendation endorsed.</i></p>	
Effect of recommendation on draft LPS	<p>There is no effect on the draft LPS.</p>	

<i>Representation No 7</i>	Tina Polley, 11 Brinktop Road, Penna	
Matters raised in representation	Representor raises concerns that the land should be zoned Rural, as it is currently zoned Significant Agriculture.	
Planning Authority Response	The LPS proposes to zone the land Rural currently.	
Recommended Action	No change required.	
Effect of recommendation on draft LPS	There is no effect on the draft LPS.	

<i>Representation No 8</i>	Tasmania Fire Service – various properties.	
Matters raised in representation	TasFire raised concerns that the mapping exhibited was an older version of the Bushfire Prone Areas overlay which incorporated land in Midway Point. The mapping was updated in 2020 and is the mapping to be used. It reduces the application of the bushfire prone areas overlay particularly in the Midway Point area.	

Planning Authority Response	The original bushfire prone areas overlay was provided to the TPC in 2019 when the first version of the LPS was submitted. It is agreed that the mapping was updated, but given the process that had occurred, it had been an oversight that the updated mapping hadn't been included. The most significant difference is in relation to the extent which the mapping covers land in the Midway Point area. No additional lots are incorporated but some lots are removed from the overlay.
Recommended Action	That the Bushfire Prone Areas overlay mapping utilise the 2020 mapping version which currently exists in the SIPS.
Effect of recommendation on draft LPS	That the Bushfire Prone Areas overlay be updated utilising the 2020 mapping. Effect will reduce the extent to which the overlay applies and ensure consistency with the SIPS.

<i>Representation No 9</i>	Derek Pennington – 459 Shark Point Road, and other Shark Point Rd properties.
Matters raised in representation	Representor raises concerns regarding extreme landslide risk at the site, and more broadly along Shark Point Road. This has come about through a lack of sewage infrastructure in the area, which is requiring onsite treatment which is destabilising the land in the area. Landslides have been occurring in the area since 1986. While Sorell Council and TasWater are aware of these issues, no actions have been taken to extend the sewerage infrastructure or to require specific geotechnical mitigation measures are incorporated. The information has not been entered into the state landslide register in LISTMap.
Planning Authority Response	<p>Sorell Council acknowledges the high landslide risk in the area and particularly the impacts that onsite wastewater management is having on landslide risk. Council can not speak on behalf of TasWater regarding their obligations. The landslide mapping utilised within the LPS is based on statewide mapping which focussed on slope as a determinant of the level of landslide risk. There was relatively little consideration of soil types and in particular, the relationship with onsite wastewater management. The site has been classified as Landslide hazard band low.</p> <p>Given the known risks, the sites in this area should be classified as landslide hazard band – medium active or high. This must be reconsidered through the state government landslide hazard mapping and it is understood this is being considered by MRT. However it is of note that even in the event of the hazard bands being medium active or high, the standards against which development must be met are the same as for low risk.</p> <p>Given any modification to the LPS is reliant upon external sources of information, it is considered that this issue can not be resolved through the LPS process.</p>
Recommended Action	No further action as reliant upon updating State Government mapping.

Effect of recommendation on draft LPS	There is no effect on the draft LPS.
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<i>Representation No 10</i>	Maria and Nikolaus Mitsakis – 312 Shark Point Road.
Matters raised in representation	<p>Desire to see land north of Shark Point Road and east of Brooklyn Drive at Penna zoned Rural Living, not Rural. Representor resides at 312 Shark Point Road and has indicated they wish the representation provided by representor #4 to represent their position also.</p> <p>Please see representation #4 in relation to the matters raised.</p>
Planning Authority Response	<p>It is noted that there is considerable history regarding this project, with advice given to the representor from a number of government officials. This does not however influence the assessment required to be undertaken.</p> <p>Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) the rezoning application was refused. The grounds for refusal at that time were:</p> <ol style="list-style-type: none"> 3. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the <i>Land Use Planning and Approvals Act 1993</i>; and 4. The draft amendment does not further objective 1(b) of Schedule 1 of the <i>Land Use Planning and Approvals Act 1993</i> to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1. <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. It is acknowledged that the representor now wishes to see a reduced application of the Rural Living area, taking the number of potential lots from 120 to 68 lots; however this is still a significant increase in lot numbers and in my view is not considered to meet requirement of SRD 1.3 (c)(ii) which requires only limited subdivision potential. The issue in relation to the sand mine is less critical given the separation from the area requested to be rezoned, and the mine location. However issues around the sewage treatment plant remain, the lagoon system at Midway Point is a Facultative lagoon, designed for dry weather flow of 5,500 to 20,000KL/day. It requires a 700m attenuation distance. It is acknowledged that a number of existing houses both in Midway Point and Penna are within the attenuation distance. However this attenuation requirement remains under the LPS. Further to these issues already identified, a further</p>

	constraint on development in this area has been identified associated with high landslip risk (see representation 9 and 11 for further details). This highlights the need to limit the amount of residential development in the area, without the services.
Recommended Action	No change to the zoning as it is currently proposed. Without change to the RLUS this continues to represent a stopping point for further Rural Living development.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 11</i>	Peter and Wendy Stepien – 459 Shark Point Road.
Matters raised in representation	The matters raised in this representation are consistent with the concerns raised in representation #9. There is a gradual but significant landslip occurring under their house. There is a risk the house may become completely unstable, but in addition the AWTS which was installed has slipped some 7m downslope. The risks associated with this is likely to result in pollution entering Pittwater. To resolve the matter moving forward, wastewater should no longer be applied to the site, or to neighbouring properties. All sites should be connected to reticulated sewerage. The representor requests that future developments not allow onsite wastewater management and that the risks associated with landslide be more accurately reflected within the LPS.
Planning Authority Response	It is acknowledged that the sewerage infrastructure is some 100m east along Shark Point Road and extending it to the site would assist in reducing the landslip risk. However this is a matter for TasWater and can not be resolved through the LPS process. It is understood that discussions are occurring between Council, TasWater and MRT in relation to this. In relation to onsite wastewater management, the SPP's do not include a Code dealing with onsite wastewater management. To that end Council can not regulate the approval or otherwise of an onsite wastewater management system. Ensuring that the appropriate landslide risk is reflected on site would seem to be the most sensible way of addressing some of these risks, and in particular highlighting the risk to potential land purchasers. However it is acknowledged that updated mapping is the remit of state government agencies and to that end, can not be addressed through this LPS process.
Recommended Action	No modification to the draft LPS.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 12</i>	David Newitt – 188 Arthur Highway.
Matters raised in representation	Representation requested clarification on a number of issues around process, what is currently allowed and what can be allowed under the changes. Specifically there was interest around the Eastern Growth Corridor and its proposed agricultural zoning.
Planning Authority Response	Questions were answered directly to the representor. They lodged a subsequent representation, #39.
Recommended Action	No further action.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 13</i>	Hobart International Airport – Safeguarding of Airports Overlay Map.
Matters raised in representation	<p>The Obstacle Limitation Surface within the Safeguarding Airports Overlay does not extend far enough to the north west.</p> <p>The Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) is not included in the Safeguarding Airports Overlay. The two layers should be compared and the lower of the two surfaces be included in the overlay. The PANS-OPS was provided to Council on 26/4/2021.</p> <p>Request complete maps of the area covered by the noise exposure to confirm accuracy and validity of the contours.</p> <p>Concerns regarding limitations in the SPP and the Safeguarding of Airports Code that do not adequately address risks.</p>
Planning Authority Response	<p>There has been confusion regarding data sets, as some provided by HIAP have not had height labels on them, which is required by the TPC. Advice was sought from the TPC and it was confirmed that the corresponding data at Clarence Council was suitable for use, which labelled the height layers.</p> <p>Sorell Council is content to use what is required by both HIAP and TPC however we are receiving conflicting advice. The data set provided on 26 April 2021 was provided to Council as indicated, however the advice received from the TPC was that this</p>

	<p>could not be used as it would result in a new overlay area that has not been officially endorsed by Council to be included in the LPS.</p> <p>The concerns in relation to the PANS-OPS is that it is unclear within this layer whether there was any height data within that layer and how that layer is therefore used.</p> <p>It is understood that HIAPS wants one map that shows the noise exposure area and this can be provided.</p>
Recommended Action	No change to the mapping utilised in the draft LPS. Council understands that the data layer to be used must include references to height labels, this has not been provided by HIAP and therefore cannot be utilised in the LPS maps.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 14</i>	Woolcott Surveyors - Lot 1, Old Forcett Rd, Dodges Ferry
Matters raised in representation	<p>The representation by Woolcott Surveyors is in relation to a parcel of land at Lot 1 Old Forcett Road. The land is currently zoned Rural under the LPS and is approximately 61ha in area. The representation requests that 7ha of land to the west of the site be zoned Local Business with a SAP applied over this land which is entitled SOR-S5.0 Dodges Ferry Local Industry Specific Area Plan. In addition it is proposed to extend the existing SAP 'SOR-S2.0 Southern Beaches On-Site Waste Water and Stormwater Management Specific Area Plan' over this 7ha parcel of land.</p> <p>The purpose of this Local Business Zoning and SAP is to provide for commercial and light industrial area suiting the needs of the Southern Beaches community. The SAP will encourage service industries and light industrial activities, being carefully considered to not compromise or diminish the Sorell township or the Carlton Beach business/retail precinct to the south.</p> <p>This site is adjacent to a business and industry node to the north, rural land to the east, residential land to the west and south (across roads), and to the north west community purpose and recreational land associated with the school, Okines community centre and football oval. Within the existing Local Business zoned land there are a number of established businesses including a hotel, bottle shop, service station, gym and warehouse. In the broader area, there is only 2ha of Light</p>

	<p>Industrial zoned land which is associated with an existing business at Josephs Road adjoining the waste transfer station; and there is 6.09ha of Local Business zoned land, most of which is developed.</p> <p>The characteristics of the site is that it is relatively flat, with an overall westerly aspect. The site does experience localised flooding however recent improvements at the junction of Carlton River Road and Old Forcett road have increased the drainage capacity. A Flood assessment completed by Flussig determines that:</p> <ul style="list-style-type: none"> • Any future subdivision should provide for an overland flow path; • Utilising the entrance and exit location at Old Forcett Road exit site will provide a reduced impact on flow and allowable building areas; • It is likely that a single lot will be required for a detention facility and detention ponds will need to be utilised also; • The base of the detention pond should be designed as a wetland to best utilise this space during high frequency rainfall events with treatment incorporated to meet the state stormwater strategy. <p>It is the representors view that there is minimal risk for land use conflict. The site adjoins an existing business/commercial precinct at Dodges Ferry with the residential uses separated by roads. There is an existing residential use at 531 Old Forcett Road, but the proposed boundary of the SAP has been setback from this property to provide a buffer. Furthermore, the underlying Local Business zoning would provide some amenity controls around hours of operation, external lighting, and vehicle movements on the site. The existing zoning of Rural Resource or Rural also doesn't enable consideration of land use conflicts, with inappropriate uses such as extractive industries, resource processing, and recycling and waste depot. A number of other service industries, storage, transport depot and distribution could also occur on that site if associated with a rural use.</p> <p>The site is large enough to support commercial and industrial uses, and still provide for landscaping, adequate setbacks, access, paved areas and manoeuvrability. The proposal meets the STRLUS requirements around provision of physical infrastructure and industrial activity.</p>
<p>Planning Authority Response</p>	<p>This proposal would assist in addressing a need within the Sorell area to provide for commercial/light industrial businesses that are currently operating out of homes, on occasions without permits. These types of uses often don't meet the home occupation definition, however there is a critical shortage of land to provide for them within the broader area. They include uses like fiberglass repairs and maintenance, contractors depot, fire pit construction, quad bikes and go cart hire, mechanical repairs, kitchen manufacturing, spray painting businesses. In addition enquiries for new businesses include crayfish storage prior to export, fitness centre/yoga studio, storage warehouses for the area (this is also a problem in Sorell township), child care centres and funeral homes. Other recent amendments include the approval of a bulky goods and service industry nearby to facilitate repair of boats and associated marine based infrastructure. Enquiries to Council result in</p>

staff advising prospective business operators that there is no land available for that type of use in the Southern Beaches area, or even further afield in Sorell.

The pressures brought about for these types of industries reflect:

- The growing agricultural sector in the municipality in response to the Tasmanian Irrigation Scheme;
- Growing aquaculture industry in the area and the associated maintenance and repair services required;
- Increasing population with demographics demonstrating a dominant blue collar workforce, whom are forced to travel for work due to the limitations of being able to establish a business locally;
- Increasing population resulting in a need for these industries and associated services to be provided locally.

The Sorell Land Supply Strategy (2019) identifies only 1.45ha of vacant local business land within the *municipality* and that there is a need for further Local Business zoned land within the Southern Beaches locality. The Stage 1 report estimates that demand for local services will increase, particularly for lots 2000m² to 5ha. Clearly this level of density can not be provided for in a Rural zoning.

It is acknowledged that this area of Southern Beaches was not identified for industrial land use in the STRLUS, however it is also broadly recognised that the strategy as a whole is completely out of date. Provision of some Commercial/light industrial land for local uses through the SAP would enable compliance with IA 1.4 and IA 1.5 in particular.

Consideration should also be given to the Activity Centre requirements. Specifically, AC 1.2, AC 1.4, AC 1.6, AC 1.10, and AC 1.11. These standards all reference the need to provide for local activity centres to serve the needs of the local population, and to provide for work opportunities for these people also. This is entirely what this SAP attempts to do.

The SAP that is proposed will be in addition to the Local Business zoning as the underlying zoning. The differences in uses are some of the most critical, with uses such as Food Services, Business and Professional Services, General Retain and Hire and Residential uses all NPR under the Local Business Zone, and either prohibited or a permitted or discretionary pathway under the SAP. Hotel Industries which is permitted in the Local Business Zone, is prohibited in the SAP as is a Pleasure Boat Facility. Visitor Accommodation and Tourist Industry are also prohibited under the SAP where they could be discretionary in the Local Business Zone.

Conversely the additional allowable uses through the SAP include Service industries as permitted instead of discretionary, Equipment and Machinery Sales and hire, Manufacturing and processing as permitted instead of discretionary, and Storage as permitted instead of discretionary. What this indicates is an approach to provide for a commercial/business/light

	<p>industrial area which accommodates the industries that we know are being applied for within the municipality, which are well located in relation to the demand from the broader community, but which will not impact upon the established commercial centres in the Southern Beaches or further afield in Sorell.</p> <p>To reflect the sites characteristics the SAP includes standards around providing adequate setbacks from road frontages to provide for an appropriate pattern of development, ensuring landscaping is provided, ensuring each lot has a minimum area of 2000m² and a frontage of 25m and that subdivisions incorporate landscaping including open space and trees. Onsite detention must be provided as part of the subdivision process.</p> <p>In considering the analysis of this SAP, it has been determined that the proposal meets the necessary criteria of section 32(4) in that it:</p> <ul style="list-style-type: none"> • Enables a use and development which will be of significant social and economic benefit to the region and municipal area. <p>Furthermore, the planning authority, in reviewing the supporting documentation and SAP, support the drafting of the provisions in the proposed SAP.</p>
Recommended Action	<p>Council supports the rezoning to Local Business, with the inclusion of a SAP at this site. It will achieve a number of things for the local area, including providing appropriate locations for businesses and service industries to operate, with suitable facilities and infrastructure, as well as ensuring there is minimal land use conflict. It will enable local people to live and work in their community, reducing the need to travel to access services, but also to work in those industries; and it will reduce the likelihood of people running businesses illegally at their homes which is likely to result in conflicts. This rezoning would respond to the increasing demand for services in a rapidly growing area and would represent sound planning and future proofing for the functionality of the Southern Beaches.</p> <p>As provided for under section 32(4) of the Act, part of the property at Lot 1 Old Forcett Road, be rezoned to Local Business, with the inclusion of a SAP as drafted and titled Dodges Ferry Local Industry Specific Area Plan. The area to be rezoned to Local Business is reflected in the map “Proposed Rezone and Specific Area Plan”, by Woolcott Surveyors, dated 25 June 2021.</p>
Effect of recommendation on draft LPS	Beyond the subject site, no effect on the draft LPS.

<i>Representation No 15</i>	North Barker – various sites where there is the intersection between the Agricultural Zone/Rural Zone and the Natural Assets Code and specifically the priority vegetation overlay.
Matters raised in representation	<p>Concerned about the interaction of the Rural and Agriculture Zone with the Natural Assets Code. Particularly concerned that the data in the TasVeg layer is inaccurate and if relied upon, will result in critical areas not protected. Furthermore, not being able to apply the Priority Vegetation overlay to land zoned Agriculture is flawed and will result in losses of critical vegetation which in some instances would trigger the EPBC Act. Argue that very little land should be zoned Agriculture and the priority vegetation overlay should be extended to all areas of the municipality. Further more the Scenic Protection Overlay should not be relied upon to protect vegetation values and the Landscape Conservation Zone would be more appropriate.</p> <p>In addition, the entire Marchwiell Marsh should be zoned Environmental Management as the site is of state significance and supports a vegetation type which his listed on the Commonwealth EPBC Act as vulnerable. Should not be used for agriculture and part of the site is currently zoned Agriculture.</p>
Planning Authority Response	<p>The SPPs determine the interaction between Zones and some Codes. This results in Council not being able to apply the priority vegetation overlay to sites which are zoned Agriculture. Conversely we have the agricultural land mapping project and the guidelines related to the application of the Rural and Agricultural zone. This results in some inherent conflicts. Furthermore, while it is acknowledged that TasVeg has errors and inconsistencies, undertaking a municipal wide assessment of vegetation values is beyond the budget or time of this LPS. The blanket approach of applying the priority vegetation layer to the entire municipal area, or to areas where native vegetation exists, could result in a number of perverse outcomes that would be inconsistent with other policies.</p> <p>Where critical vegetation values are know, this is attempted to be reflected through the priority vegetation overlay and underlying zone depending on the circumstances.</p> <p>The Marchwiell Marsh site is partially zoned Environmental Management and partially zoned Agriculture; the waterways and Coastal Protection overlay apply to the marsh site and this applies irrelevant of the underlying zoning. It is acknowledged that the marsh site itself is not completely covered by the environmental management zoning and that the zoning appears to be more focused on the vegetation values in this area, than the values associated with the marsh.</p>

Recommended Action	The Marchwiell Marsh site should be zoned Environmental Management. This would represent an extension to the existing Environmental Management zone to be consistent with the application of the Waterways and Coastal protection overlay. This would there after provide adequate protection to these environmental values.
Effect of recommendation on draft LPS	No significant impact upon the draft LPS.

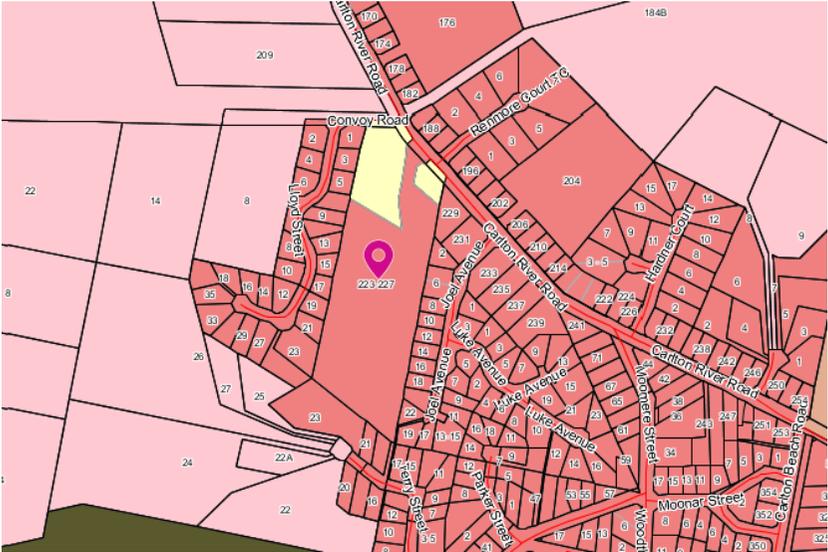
<i>Representation No 16</i>	RG and JA Kain, 154 Lewisham Scenic Drive.
Matters raised in representation	The property at Lewisham Scenic Drive is currently proposed to be zoned Rural Living. The land owners believe they are discriminated against, as the adjacent property owners are zoned Low Density Residential (LDR) which enables a much smaller lot size. The property at 154 Lewisham Scenic drive is approximately 11ha but they are unable to farm the site or develop it further due to lack of infrastructure, particularly water.
Planning Authority Response	<p>The area around Lewisham Scenic drive has a historic settlement pattern with smaller LDR lots closer to the road and the water, and Rural Living lots, often close to 10ha in size, as you move to the north and east towards Old Forcett Road. This settlement pattern exists variously in the Southern Beaches area, recognising more intensive and higher density LDR development, which was originally established as part of shack settlements, closer to the main roads, and Rural Living properties as you move further away from these central areas.</p> <p>Rezoning the property to LDR would result in a substantial increase in development – up to 50 lots. This would occur in an area without adequate water, sewerage or stormwater connections, or necessarily an adequate road network. No strategic analysis has been undertaken to establish the appropriateness or otherwise of such a change.</p> <p>Furthermore, consideration must be given to the STRLUS. Of particular relevance is SRD 1.6 which reads: <i>Utilise the low density residential zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.</i></p> <p>This particular area is not an existing settlement nor is it an existing LDR area. To that end, rezoning this parcel of land does not meet the STRLUS.</p>

Recommended Action	The site is not changed to Low Density Residential.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 17</i>	D and C Allanby, 312 Marion Bay Road, Marion Bay							
Matters raised in representation	<p>The representor is concerned about the application of the Agriculture zone to their property and believe it should be zoned rural. The site is 48ha and is south of Marion Bay Road. It currently includes a dwelling, and some cropping is undertaken as well as some areas of native vegetation. To support their argument, they have provided an Agronomist report. This report determines that:</p> <ul style="list-style-type: none"> • The land classification for the site is Class 5x, including class 5 to the west, class 6 adjacent to the forestry and native vegetation property to the west and class 4 along the ridgeline. • Highly variable rainfall, but low frost risk. • Existing infrastructure includes residential dwelling, various outbuildings, dressage arena and lunging arena, stockyards, watering holes. • The existing water holes represent the extent of the water resources with no opportunities for further dams, and no access to irrigation schemes. • Current land use is grazing for livestock and horses for educational training purposes as animal assisted services. 							
Planning Authority Response	<p>The following criteria are relevant for consideration.</p> <table border="1"> <tr> <td>Criteria 1 Land Size</td> <td>The site is over 10ha therefore is unconstrained.</td> </tr> <tr> <td>Criteria 2 Adjoining uses</td> <td>The site has a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.</td> </tr> <tr> <td>Criteria 3 Adjoining residential zoning</td> <td>No properties adjoining are zoned any of the residential zones. However at least 5 properties adjacent to the site are used for residential purposes and are quite small. Potentially constrained. Criteria 2A.</td> </tr> </table>		Criteria 1 Land Size	The site is over 10ha therefore is unconstrained.	Criteria 2 Adjoining uses	The site has a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However at least 5 properties adjacent to the site are used for residential purposes and are quite small. Potentially constrained. Criteria 2A.
Criteria 1 Land Size	The site is over 10ha therefore is unconstrained.							
Criteria 2 Adjoining uses	The site has a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.							
Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However at least 5 properties adjacent to the site are used for residential purposes and are quite small. Potentially constrained. Criteria 2A.							

	1	An agronomist report has been undertaken which determines that the site is highly constrained for irrigated perennial horticulture, vegetable production, irrigated grazing, dairy, Broadacre cropping, and dryland pastoral. Constrained.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is some grazing and running of sheep. Directly Surrounding land use is dominated by hobby farms, some very small residential properties, and some forestry activity. • Isolated from agricultural land – the site is adjacent to other lots of various sizes with land capability 4. • Current ownership. The site is not owned in conjunction with other properties and all properties adjacent are in separate ownership, many with established dwellings on there. • Agricultural potential – supporting documents argue that there is minimal agricultural potential. • Localised strategic mapping. The agricultural assessment undertook strategic analysis of land capability which is more detailed than that which is provided at a statewide scale. It suggests dominant land capability is at class 5. <p>This analysis suggests the site is constrained.</p>
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer but is being argued that the layer is incorrect.
	5	Titles may be split zoned – this is not considered appropriate for this site.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Localised analysis shows that the land is class 5 but no strategic mapping of the broader area has been undertaken. Clause (b) – (d) are not applicable. (e) should be considered as there is limited potential for agricultural use as it is not part of a larger farm holding, it is constrained by the lack of water resources, and the adjoining residential properties.
	7	N/A as the land is identified as potentially suitable for agriculture.

Recommended Action	This analysis was peer reviewed by RMCG Agricultural consultants. The recommendations from this review was that the titles should be retained in the Agriculture zoning.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 18</i>	Woolcott Surveyors - 223 Carlton River Road,
Matters raised in representation	<p>Desire to see a parcel of land which is currently proposed to be zoned Community Purpose, rezoned to Low Density Residential.</p>  <p><i>Figure 24 The subject site highlighted.</i></p> <p>The site has three parcels of land, a larger parcel zoned Low Density Residential, and two smaller parcels zoned Community Purpose. The rezoning is to zone the entirety of CT 126929/2 to Low Density, and part of CT 126929/1 to Low Density.</p>

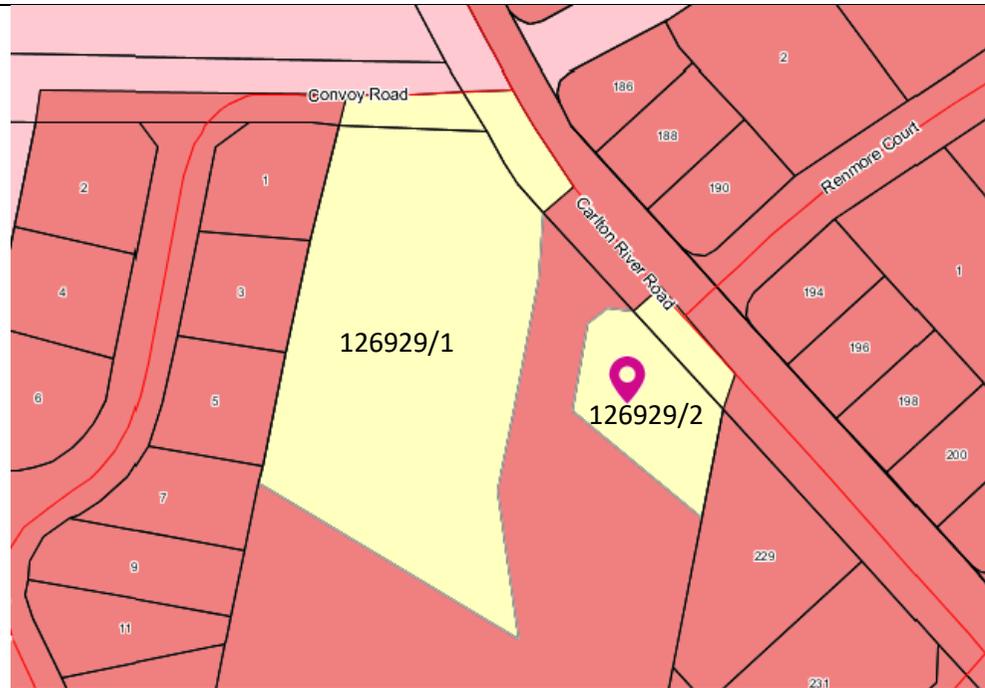


Figure 25: The two community purpose lots.

The two community purpose titles currently accommodate a dwelling, shopfront and community hall. The property recently changed hands and is now under private ownership. LDR zoning is considered more appropriate to allow for those uses, and to enable the shop, which is within an old house, to revert back to a residential use if desired. The community hall could be retained and left in the community purpose zoning.

Planning Authority
Response

The site has been previously owned and used by a community group. It has recently changed hands and is now in private ownership, with the owner expressing an interest in subdividing the more substantial LDR zoned lot. The STRLUS specifies under SRD1.6 that *“Utilise the low density residential zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.”* Given the surrounding area is entirely zoned and used as LDR, it is considered that rezoning these sites is consistent with rezoning to acknowledge and existing area.

	<p>Given the private ownership of the site, continuing the zoning as Community Purpose is problematic as the zone purpose is for providing key community facilities and services and encouraging multi-purpose, flexible and adaptable social infrastructure. This is challenging for a private individual to implement. Such infrastructure is usually run by not for profit or government organisations.</p> <p>Further to that, at a strategic level, there are other existing community facilities within the Carlton area including Okines Community house, adjacent to Dodges Ferry Primary School, which are established as community facilities with associated support. It is not clear that there is a demand for further facilities in this area of Carlton.</p> <p>It is acknowledged that Council has shown an interest in the retention of the community hall although it is unclear whether this asset is required. The rezoning of 126929/2 to LDR does have merit and should be considered. However, separating 126929/1 into two zones through this process, without a subdivision, is problematic.</p> <p>To that end, rezoning this entire site to Low Density Residential enables a more logical outcome, which is less likely to introduce conflicts with the surrounding LDR uses, but still enables Community Meeting and Entertainment uses to be approved through a discretionary pathway.</p>
Recommended Action	That the CT 126929/1 and 126929/2 be rezoned to Low Density Residential.
Effect of recommendation on draft LPS	Aside from impacts to those specific properties, there is no further effect on the draft LPS.

<i>Representation No 19</i>	Gary Kingston, Bream Creek CT's 103575/1 and 103575/2 at 285 Bream Creek Rd.
Matters raised in representation	Concerns regarding the application of the Agriculture Zoning, when the land should be zoned Rural in their view. These two titles are part of a broader farm operation which encompasses 24 individual titles, over a land area of 380ha.



Figure 26: The two properties the subject of this representation.

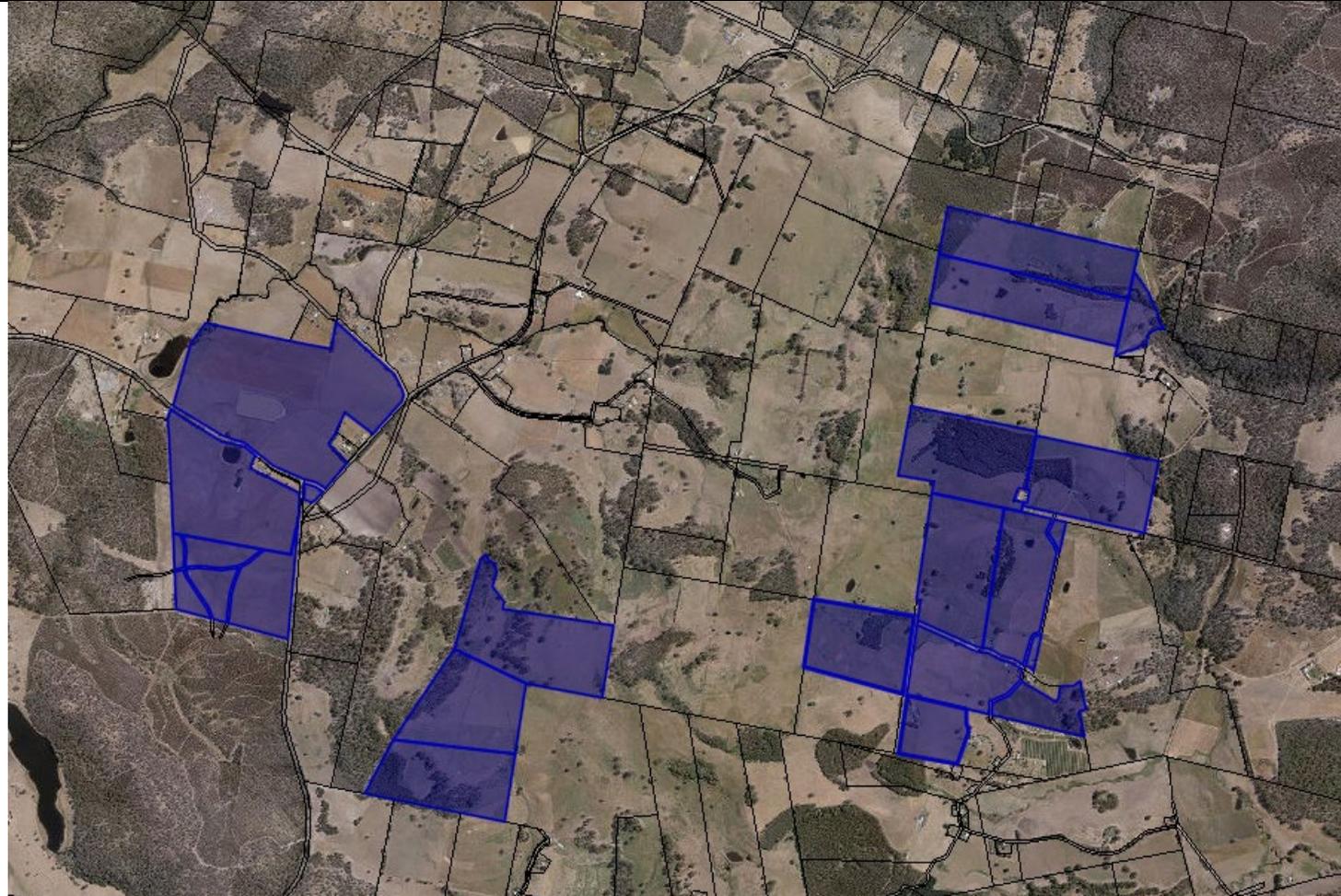
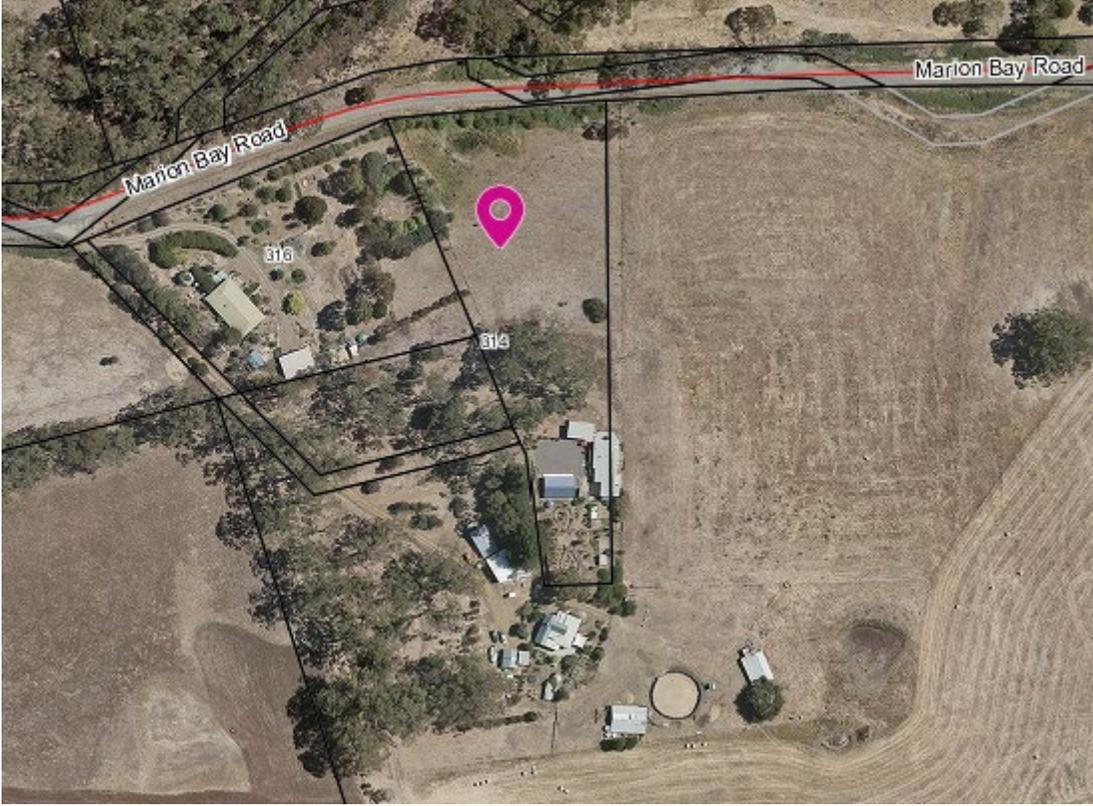


Figure 27 Other nearby properties in the ownership of Derford.

The representation was accompanied by an agricultural analysis which established that the land was predominantly class 5e with erosion risk. It is reasonably steeply sloping, with highly variable rainfall but an otherwise temperate climate. The site is

	<p>exposed to winds which impacts upon the variety of agricultural operations able to be undertaken. There are no dams with irrigation potential on the property. There is no irrigation scheme in the area.</p>												
<p>Planning Authority Response</p>	<p>While this representation has been submitted relating to two properties, as has been demonstrated within Figure 8, these properties are part of a much more substantial land holding. The Agricultural assessment criteria has been undertaken and determines as follows:</p> <table border="1" data-bbox="528 432 1906 762"> <tr> <td data-bbox="528 432 680 507">Criteria 1 Land Size</td> <td data-bbox="689 432 1897 507">One site is over 10ha, the other just under. Adjacent to other titles in the same ownership that result in a larger parcel of land. Unconstrained.</td> </tr> <tr> <td data-bbox="528 513 680 616">Criteria 2 Adjoining uses</td> <td data-bbox="689 513 1897 616">One site has a dwelling with the other being vacant. A number of adjoining sites have capital value exceeding \$50,000 but a number are vacant (about half). Unconstrained.</td> </tr> <tr> <td data-bbox="528 622 680 762">Criteria 3 Adjoining residential zoning</td> <td data-bbox="689 622 1897 762">No properties adjoining are zoned any of the residential zones. However at least 5 properties adjacent to the site are used for residential purposes and are quite small. Potentially constrained. Criteria 2A.</td> </tr> </table> <table border="1" data-bbox="528 823 1906 1326"> <tr> <td data-bbox="528 823 680 898">1</td> <td data-bbox="689 823 1897 898">An agronomist report has been undertaken which determines that the site is class 5 - 6 and suitable for dryland pasture and forestry.</td> </tr> <tr> <td data-bbox="528 904 680 970">2</td> <td data-bbox="689 904 1897 970">Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.</td> </tr> <tr> <td data-bbox="528 976 680 1326">3</td> <td data-bbox="689 976 1897 1326"> <p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is some grazing and running of sheep. Directly Surrounding land use is dominated farming, forestry and some residential uses. • Isolated from agricultural land – the site is adjacent to and in the same ownership as other lots of various sizes with land capability 4 and 5. • Current ownership. The site is owned in conjunction with a number of other properties (as demonstrated in Figure 8). • Agricultural potential – supporting documents argue that there is minimal agricultural potential although forestry and grazing is viable. </td> </tr> </table>	Criteria 1 Land Size	One site is over 10ha, the other just under. Adjacent to other titles in the same ownership that result in a larger parcel of land. Unconstrained.	Criteria 2 Adjoining uses	One site has a dwelling with the other being vacant. A number of adjoining sites have capital value exceeding \$50,000 but a number are vacant (about half). Unconstrained.	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However at least 5 properties adjacent to the site are used for residential purposes and are quite small. Potentially constrained. Criteria 2A.	1	An agronomist report has been undertaken which determines that the site is class 5 - 6 and suitable for dryland pasture and forestry.	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.	3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is some grazing and running of sheep. Directly Surrounding land use is dominated farming, forestry and some residential uses. • Isolated from agricultural land – the site is adjacent to and in the same ownership as other lots of various sizes with land capability 4 and 5. • Current ownership. The site is owned in conjunction with a number of other properties (as demonstrated in Figure 8). • Agricultural potential – supporting documents argue that there is minimal agricultural potential although forestry and grazing is viable.
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2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.												
3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is some grazing and running of sheep. Directly Surrounding land use is dominated farming, forestry and some residential uses. • Isolated from agricultural land – the site is adjacent to and in the same ownership as other lots of various sizes with land capability 4 and 5. • Current ownership. The site is owned in conjunction with a number of other properties (as demonstrated in Figure 8). • Agricultural potential – supporting documents argue that there is minimal agricultural potential although forestry and grazing is viable. 												

		<ul style="list-style-type: none"> Localised strategic mapping. The agricultural assessment undertook strategic analysis of land capability which is more detailed than that which is provided at a statewide scale. It suggests dominant land capability is at class 5.
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer but is being argued that the layer is incorrect.
	5	Titles may be split zoned – this is not considered appropriate for this site. Furthermore in considering the sites more broadly, a whole of farm approach is required.
	6	Land is identified as potentially constrained but is adjacent to a number of other sites which make up the broader farm. Localised analysis shows that the land is class 5 but no strategic mapping of the broader area has been undertaken. Clause (b) – (d) are not applicable. (e) should be considered as there is potential for agricultural use and importantly it is part of a larger farm holding. There are some constraints to using the land for agriculture, including lack of water resources and the smattering of residential properties nearby, although it is noted that a number of these houses are owned by the main farm holding.
	7	N/A as the land is identified as potentially suitable for agriculture.
<p>The most critical issue here is the fact that this land is part of a broader farming operation, encompassing some hundreds of hectares. Representations have been made in relation to those sites as well and can be found at representation # 22 and 23. It would appear that the farm in total, is a viable agricultural operation with different elements of farming including a grazing, private timber plantations, a eucalyptus seed orchard, timber mill. The site also supports agri-tourism businesses including a farm stay.</p>		
Recommended Action	<p>That the zoning of agriculture remain applicable to these properties.</p> <p><i>This recommendation was peer reviewed by RMCG Consultants and this approach was endorsed.</i></p>	
Effect of recommendation on draft LPS	<p>There is no effect on the draft LPS.</p>	

<p>Representation No 20</p>	<p>Agnes and Trevor Field – 314 Marion Bay Road</p>
<p>Matters raised in representation</p>	<p>Concerned that the property is zoned Agriculture under the LPS and it should be zoned Rural.</p> <p>The site is just over 1ha, and currently accommodates a single dwelling. There are no agricultural activities being undertaken on the property. On either side of the property are residential dwellings.</p>  <p><i>Figure 28 The subject property highlighted.</i></p>
<p>Planning Authority Response</p>	<p>The site is very small and is not associated with a broader farming use. However consideration must be given to the criteria and standards below.</p>

	Criteria 1 Land Size	The site is under 10ha and is therefore constrained
	Criteria 2 Adjoining uses	The site has a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.
	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However all properties adjoining the site have dwellings on them. Constrained. Criteria 2A.
	1	The site is clearly highly constrained and so small, it can not be used for viable agriculture.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land use is used for residential purposes with surrounding properties used for residential purposes or as a farm with grazing (and a dwelling) Isolated from agricultural land – The site is isolated from agricultural land given the adjoining residential uses. Current ownership. The site is not owned in conjunction with other properties and all properties adjacent are in separate ownership, many with established dwellings on there. Agricultural potential – given the site’s size, there is no agricultural potential. Localised strategic mapping. There has been no localised strategic mapping, the site has been identified as class 3/4 capability. <p>This analysis suggests the site is highly constrained.</p>
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer however there isn’t consideration of the size of the site in that regard.
	5	Titles may be split zoned – this is not considered appropriate for this site.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Localised analysis shows that the land is class 5 but no strategic mapping of the broader area has been undertaken. Clause (a) – (d) are not applicable. (e) should be considered as there is no

		potential for agricultural use as it is not part of a larger farm holding, it is a very small site, and the adjoining residential properties further constrain opportunities.	
	7	N/A as the land is identified as potentially suitable for agriculture.	
Recommended Action	<p>Representation #35 includes the request to rezone their property at 316 Marion Bay Road to Rural. This property 314, properties 316 and 298 Marion Bay Road are all small residential titles that can not be used for agricultural purposes nor are they likely to be incorporated within a broader farm. As there is a cluster of them, it is recommended that all three titles be rezoned to Rural.</p> <p>Modify the zoning from Agriculture to Rural for: 298 Marion Bay Road, CT 11424/1 316 Marion Bay Road, CT 11424/2 and 314 Marion Bay Road, CT 11424/3.</p>		
Effect of recommendation on draft LPS	Aside from the changes to the properties identified, there is no other effect on the draft LPS.		

<i>Representation No 21</i>	Michael Ball on behalf of Mr J Orchard at 37 Weston Hill Road		
Matters raised in representation	The representor raises the concern that he believes the land at 37 Weston Hill Road should be zoned General Residential, not Low Density Residential. He believes that this parcel and those that run south towards Cole Street, should all be zoned General Residential. This would provide for more efficient use of infrastructure and a logical consolidation of residential development.		



Figure 29 The subject site at 37 Weston Hill Road highlighted.

Planning Authority
Response

The parcel of land is adjacent to General Residential zoned lots on the western and southern side. It is fully serviced, and is located within the Urban Growth Boundary set down by the Southern Tasmanian Regional Land Use Strategy (STRLUS). To that end, there are a number of supporting reasons for why the land should be zoned General Residential. However further details have not been provided, including information around servicing the property and others, the potential impact of the known flooding that occurs within the creek to the east, or any necessary infrastructure upgrades along Weston Hill Road.

The applicant be recommended to work with adjoining land owners to lodge a planning Scheme amendment to Sorell Council for the land to be rezoned to General Residential, addressing the zone requirements, STRLUS, infrastructure requirements, and any hazard risks.

Recommended Action	
Effect of recommendation on draft LPS	No effect on the draft LPS.

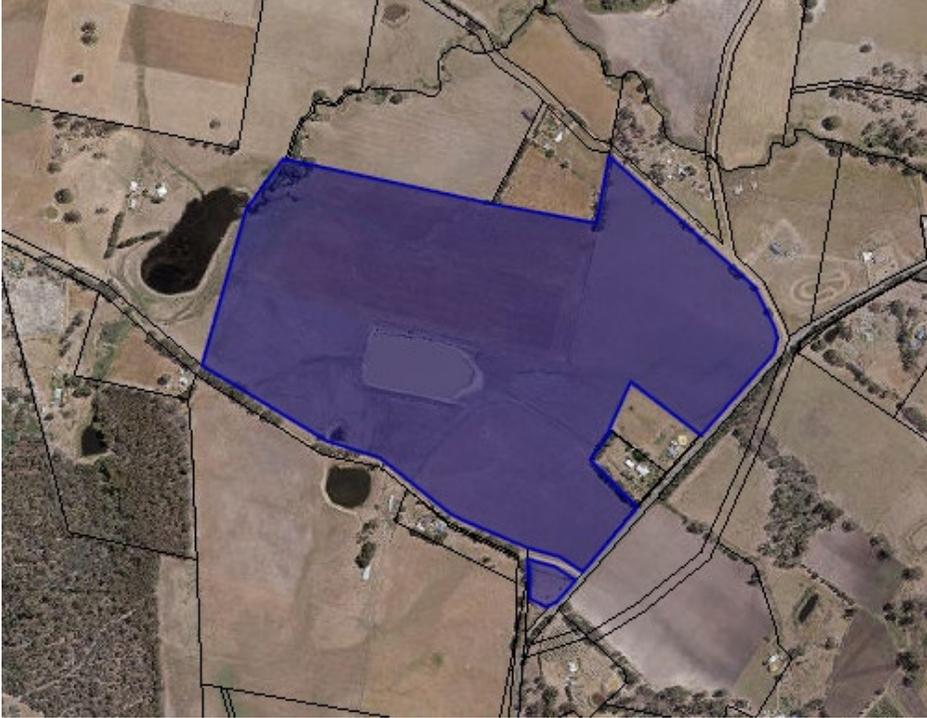
<i>Representation No 22</i>	Gary Kingston – Derford Properties Kellevie and Bream Creek (PID 3265354, 5960094 and 5960203)
Matters raised in representation	<p>The representor has engaged an agronomist to assist them in assessing the viability of the property. The Derford property incorporates 9 separate titles. The property is currently used for grazing for livestock and a Eucalypt seed orchard.</p> 

Figure 30 The property referenced as PID 3265354

The representation was accompanied by an agricultural analysis. The land shown in Figure 32 has been classified as 4s, with the main limiting factor being the soil type. The site has access to irrigation through an existing dam and extraction from the Carlton River. The agronomist report determines that the site should be zoned Agriculture.

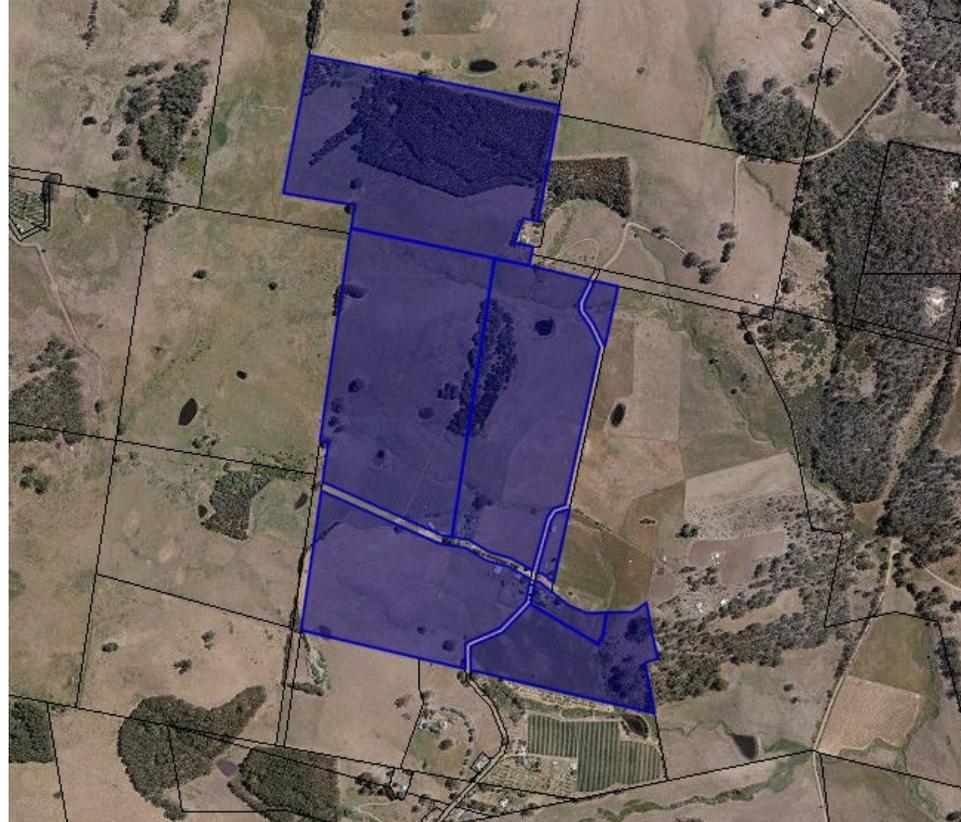


Figure 31 The property referenced as 5960094 comprising 5 Titles.

The land shown in Figure 33 is dominated by Class 5x and Class 6, with some as landslip risk 5e. It has been determined that there is no land suitable for cropping or horticulture due to the high slopes and topography. The agronomist report argues that the land should be zoned Rural.



Figure 32 The property referenced as 5960203 consisting of two titles.

The property identified in Figure 34 also has class 5x and class 6 land although that site is wetter. The agronomist report argues that the land should be zoned Rural.

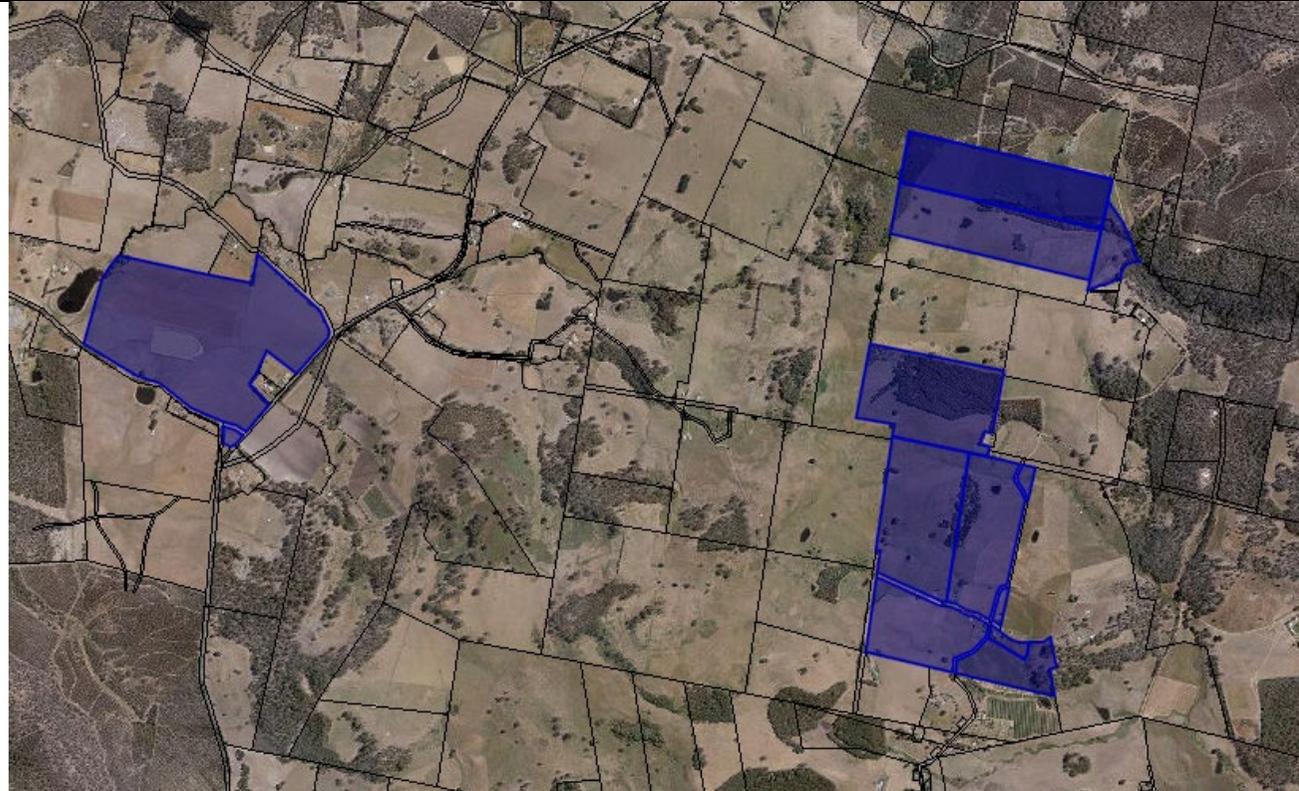


Figure 33 The proximity of the Derford Titles, noting also representation 19 which includes Titles under the same farm management.

Planning Authority
Response

Given the acceptance of the Kellevie property being zoned Agriculture, this site won't be considered in any greater detail. The cluster of titles for the purposes of assessment will be considered the northern and southern Bream Creek lots.

Criteria 1 Land Size	Four of the five individual titles on the southern Bream Creek Property exceed 10ha. The northern Bream Creek property having the titles also exceeding 10ha. This determines them as being unconstrained.
Criteria 2 Adjoining uses	Four of the five titles on the southern property have capital value of greater than \$50K. The titles in the northern cluster do not have capital value works exceeding \$50K.
Criteria 3	No properties adjoining are zoned any of the residential zones.

	Adjoining residential zoning	<p>However the properties surrounding the southern Bream Creek road to the south and east include residential uses but not adjacent to a residential zone.</p> <p>The northern Bream Creek properties have a dwelling to the north and there are dwellings to the east (although they're separated by other titles). This results in the lots being potentially constrained (Criteria 3).</p>	
1		<p>The Bream Creek titles to the south have a land area of 82.5ha combined but are constrained by nearby residential development on smaller lots. The Titles to the north have a dwelling to the north which appears to be over 100m away, and dwellings to the east which are separated by other land titles.</p>	
2		<p>Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.</p>	
	3	<p>Considerations against potentially constrained Titles 3 (like these clusters). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use of the southern titles is a combination of residential and agriculture (given that 4 out of 5 titles include dwellings). They are adjacent to residential properties. The land to the north does not have any residential uses and appears to be in agricultural use. • Isolated from agricultural land – The properties are in clusters. The northern property is not isolated from agricultural land with the dominant surrounding land use agriculture. The southern cluster is over 80ha and adjacent to agricultural use to the north and west in particular. To the south and south east the number of dwellings isolate that part of the property from agricultural land nearby. • Current ownership. The site is owned as part of a broader and more significant agricultural operation. • Agricultural potential – The size of the parcels has agricultural potential but the lots are limited due to the lack of irrigation, in places steep slopes and surrounding land uses. • Localised strategic mapping. There has been no localised strategic mapping, the site has been identified as class 4-6 capability.. <p>This analysis suggests the southern site is highly constrained, but the northern cluster of Bream Creek titles is less constrained.</p>	

	4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site, if different zonings were to apply they should apply along title boundaries. It is of note that the northern Bream Creek parcels are adjacent to Rural Zoned land, but the southern Bream Creek parcels are surrounded by Agricultural zoned land. It is noteworthy that it includes a number of smaller titles at the intersection of Bream Creek Road and Burnt Hill Road, all of which are in agricultural use.
	6	The land to the south in particular has been identified as being potentially constrained with the land to the north less so. No local or regional analysis of this area has been undertaken. Clauses (b) – (d) are not applicable. The land has some potential for agricultural use
	7	N/A as the land is identified as potentially suitable for agriculture.
Recommended Action	<p>The parcels of land at Kellevie (PID 3265354) should remain zoned Agriculture.</p> <p>The parcels of land at Bream Creek South (PID 5960094) should be retained as Agriculture; they can be utilised for dryland grazing and farmed in conjunction with adjacent land.</p> <p>The parcels of land at Bream Creek North (PID 5960203) should be zoned Agriculture.</p> <p><i>This recommendation was peer reviewed by RMCG Consultants and endorsed as drafted above.</i></p>	
Effect of recommendation on draft LPS	No effect on the draft LPS.	

<i>Representation No 23</i>	Barry Kingston – Kellevie and Bream Creek, PID 5960123, 7839837 and 7772994.
Matters raised in representation	The representor submitted an agronomist report regarding 12 separate titles spread over 3 PID's arguing for their rezoning. The titles are part of a broader property in the same family ownership and operating as one farm. The properties are identified for grazing predominantly.



Figure 34 The property titles covered by PID 5960123

These two parcels are adjacent to a number of other titles in the same ownership. The property has been classified as predominantly class 5 with a smaller percentage as class 6. There is considerable elevation differences and it has been determined that the agricultural opportunities are limited to dryland pasture and forestry. The total land area is just under 20ha.

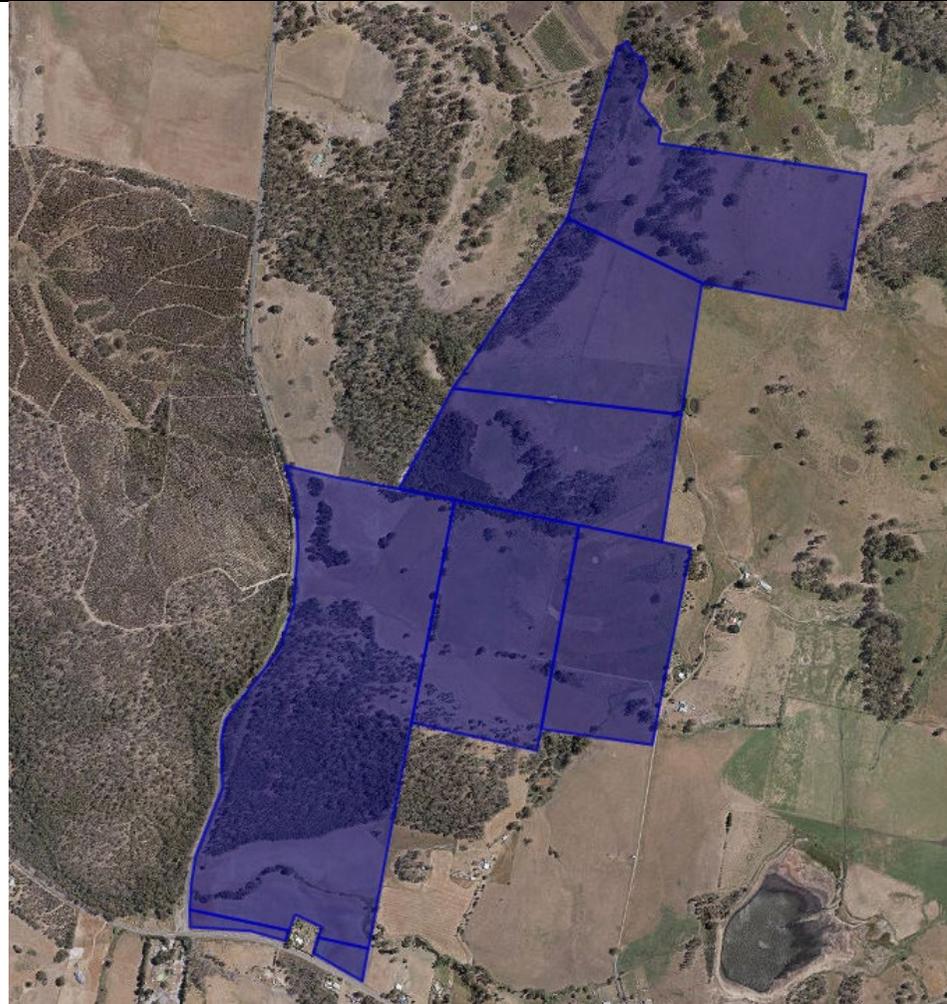


Figure 35 The property titles covered by PID 7839837.

This group of titles has a total land area close to 143ha. The majority of this property is class 5 with some class 6. There is no land suitable for cropping or horticulture due to steep slopes and topography.

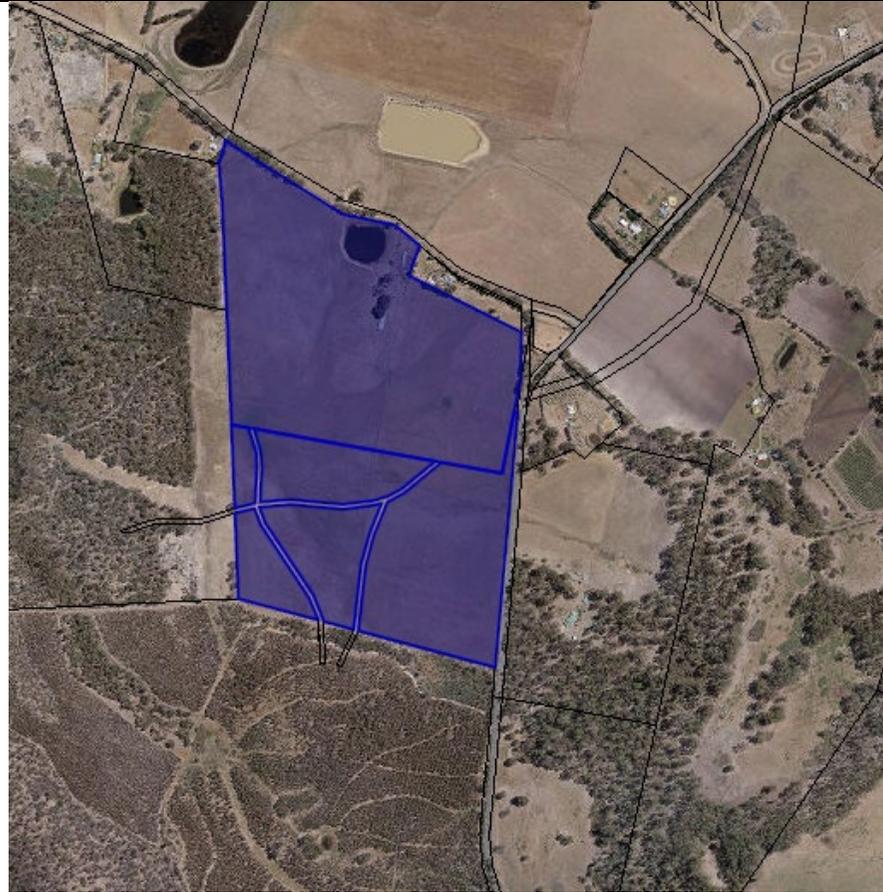


Figure 36 The property titles covered by PID 7772994.

This property is to the south of another title in their land ownership at Kellevie. This Title is considered in Representation #22 and it has been determined that it should be zoned Agriculture. The agronomist assessment determines it should be class 4. The southern lot bisected by a number of road reserves has an area just under 20ha, the northern lot the area is close to 26ha.

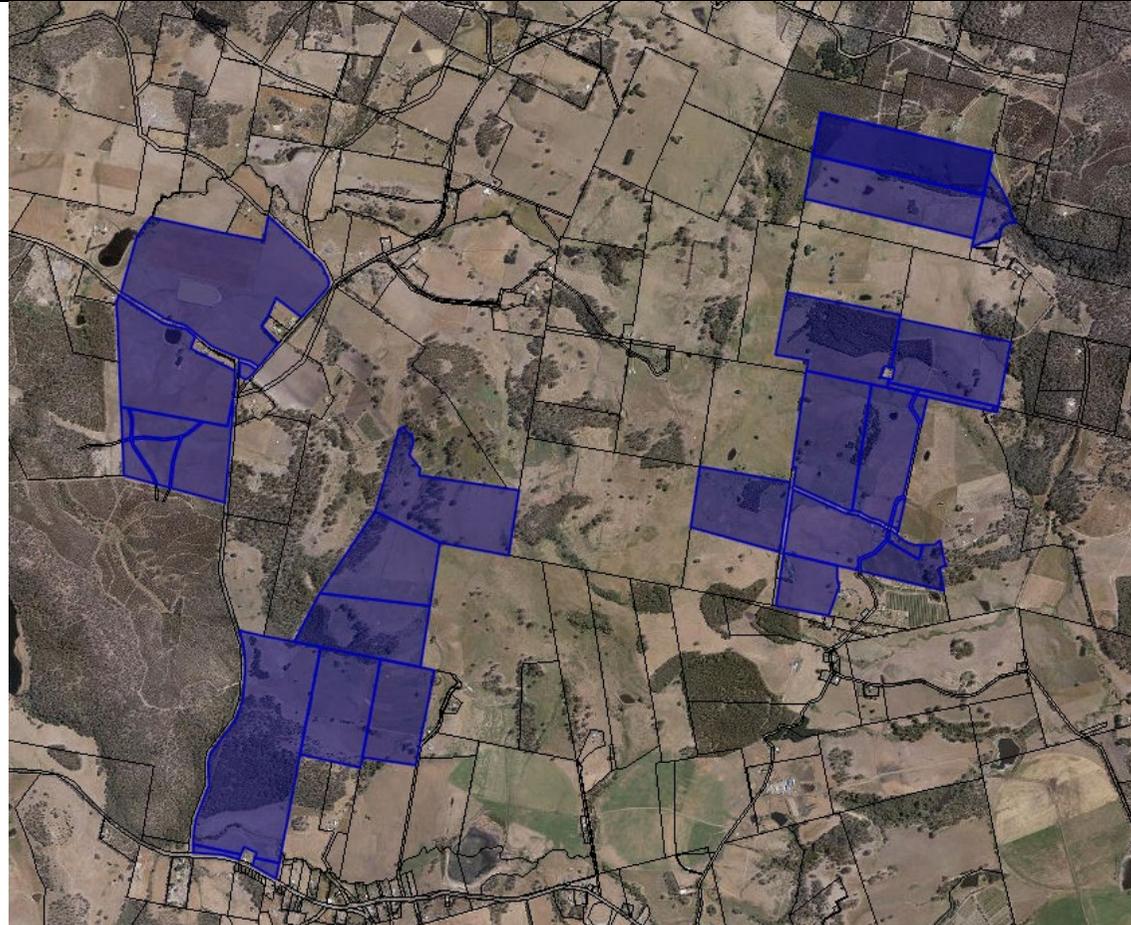


Figure 37 All the properties in the ownership of B and G Kingston, or Derford Pty Ltd. These properties encompass the representations in 19, 22 and 23.

Planning Authority
Response

The agronomist supports the application of the Agriculture zone to the Kellevie property. Given this, this site won't be considered in any greater detail regarding the potential for rezoning. The cluster of titles for the purposes of assessment will be considered as the Copping Lots PID 7839837, or the Bream Creek lots PID 5960123.

	Criteria 1 Land Size	The titles at Bream Creek combined are just under 20ha. The titles at Copping combined are over 140ha. In relation to land size, they are considered unconstrained.
	Criteria 2 Adjoining uses	None of the titles at Copping have capital value of more than \$50K/ha and likewise, neither do the lots at Bream Creek.
	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However the properties on either side of the Bream Creek lots include houses (in a separate ownership. This means they are Potentially constrained (Criteria 3). The southern Copping properties have a number of residential uses adjacent on the southern and eastern side but the northern end of that section of land is not constrained by residential uses. This results in the lots being potentially constrained (Criteria 3).
	1	The Bream Creek titles have a land area of just under 20 ha with the Copping Titles having a land area of over 140ha.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles 3 (like these clusters). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The land surrounding the Bream Creek lots have a mixture of uses but there are many residential uses adjacent. This impacts upon viability. The land at Copping has fewer residential uses adjacent and larger lot areas • Isolated from agricultural land – The properties are in clusters. The Bream Creek property is clustered with other properties in the same ownership and the same can be said for the Copping property. • Current ownership. The site is owned as part of a broader and more significant agricultural operation. • Agricultural potential – The size of the parcels has agricultural potential but the lots are limited due to the lack of irrigation, in places steep slopes and surrounding land uses. • Localised strategic mapping. There has been no localised strategic mapping, the site has been identified as class 4-6 capability.. <p>This analysis suggests the Copping site is less constrained, with the Bream Creek site more constrained.</p>

	4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site, if different zonings were to apply they should apply along title boundaries.
	6	The land at Bream Creek has been considered as potentially constrained but the land at Copping less so. No local or regional analysis of this area has been undertaken. Clauses (b) – (d) are not applicable. The land has some potential for agricultural use
	7	N/A as the land is identified as potentially suitable for agriculture.
Recommended Action	The land at Kellevie, PID 7772994 should remain zoned Agriculture. The land at Copping PID 7839837 likewise should remain as Agriculture. The land at Bream Creek, should also remain in the Agriculture zoning as it can be utilised for dryland grazing. <i>This recommendation was peer reviewed by RMCG Agricultural consultants who endorsed this approach.</i>	
Effect of recommendation on draft LPS	No effect on the draft LPS.	

<i>Representation No 24</i>	Paul Blake – Carlton Bluff (137678/1, 137616/1, 137616/2, 137616/3 and 137616/4) and Steeles Island	
Matters raised in representation	<p>The representor raised concerns with the application of the Rural Zone to the Carlton Bluff area, and believes it should be zoned Landscape Conservation.</p> <p>The representor also argues that Steeles Island should be zoned Landscape Conservation, instead of Environmental Management. They are of the view that Landscape Conservation would provide for greater protection of the important natural values in that location.</p>	

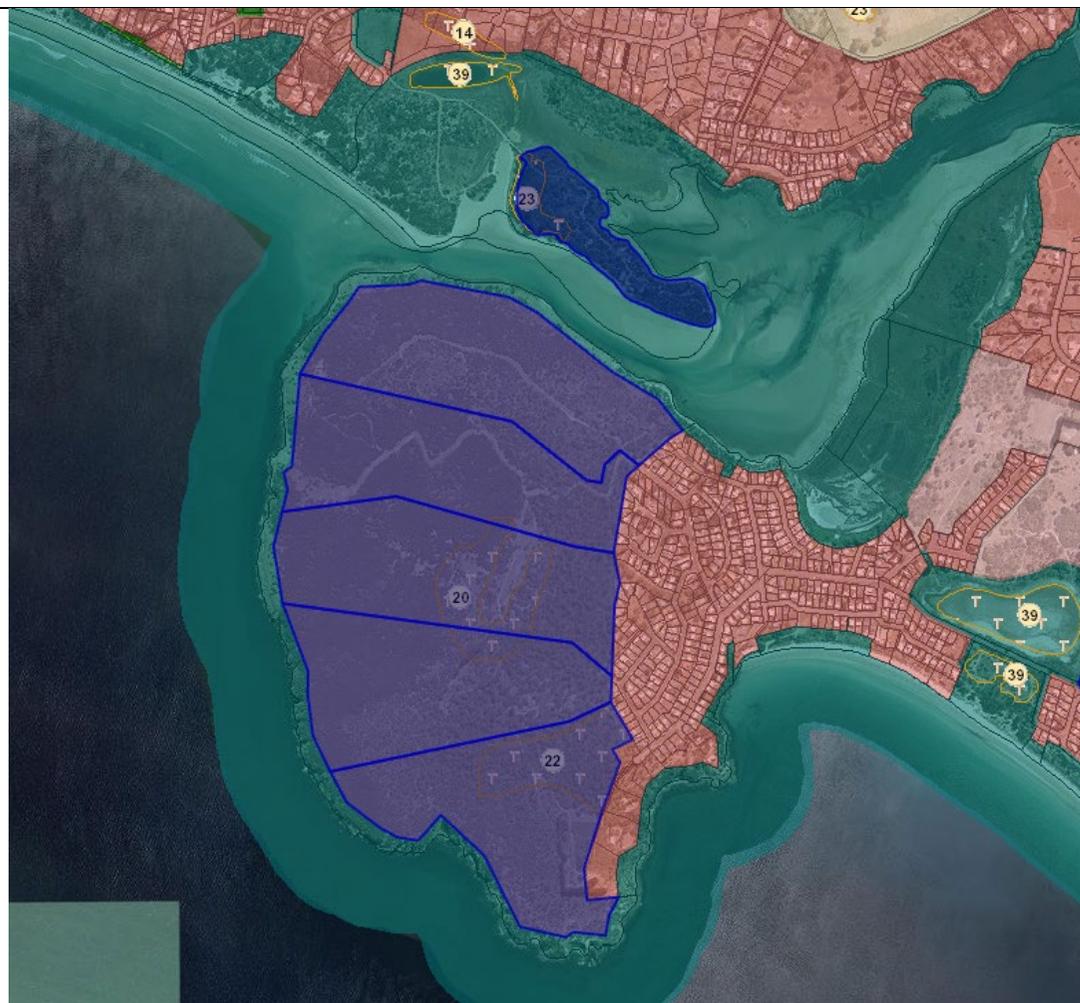


Figure 38: The Carlton Bluff sites highlighted to the south, with Steele's Island highlighted to the north of this image.

Planning Authority
Response

The purpose of the Landscape Conservation Zone is to protect, conserve and manage landscape values; and provide for compatible use or development. The zone should be applied to site where there are landscape values to be protected

	<p>particularly where there may be threatened native vegetation communities, or threatened species, or there are significant restrictions on development.</p> <p>Carlton Bluff is currently zoned Rural Resource and the 5 substantial lots are all over 20ha in area. Three of these lots have threatened species mapped on them, including Eucalyptus ovata forest and woodland, and Eucalyptus tenuiramis forest and woodland on sediments. The lots already have access roads across them. While the site has some significant natural values, its broader attributes are more related to its landscape values as viewed from Carlton beach and Carlton River. It is a prominent headland when viewed from elsewhere. The proposed zoning of the land, Rural, won't necessarily provide for additional development opportunities than that which would exist under the Landscape Conservation zone, however the tests around development are different. Specifically heights for a residential development are lower in the Landscape Conservation Zone, light reflectance values must be less than 40%, and there are tests around impacts upon landscape values. Conversely in the Rural zone, there are greater considerations of the impact of residential development on agricultural activities (which do not occur on this site). In addition, a broader range of uses could be considered under the Rural zoning.</p> <p>The Steeles Island site is currently zoned Environmental Management. This provides a very high level of protection for this site, and reflects the site's unique location, and coastal and environmental influences over the site. The representor is of the view that the Landscape Conservation zone should be applied to provide for further protection, however this could result in the reverse. It is not considered necessary to modify the zoning on this site.</p>
Recommended Action	<p>It is agreed that Carlton Bluff would more appropriately be zoned Landscape Conservation. However it is noted that the representor is not a land owner in this area, and that the current landowners of these properties may not be aware of this potential change. Unlike some other recommended zoning changes, the application of the Landscape Conservation Zone would represent the introduction of a new zone to these lots, as opposed to a transition from the existing zoning. To that end, it is not considered appropriate to change the zoning of these parcels without the completion of a property zoning approach.</p> <p>The application of the Environmental Management Zone to Steeles Island is appropriate and provides the best level of protection for this site.</p>

Effect of recommendation on draft LPS	No effect on the draft LPS.
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<i>Representation No 25</i>	D and J Grafton, Escape Investments. 152 Lewisham Scenic Drive
Matters raised in representation	<p>The representor has raised concerns with the zoning applied to their property. Their property at 152 Lewisham Scenic Drive is proposed to be zoned Rural Living and the representor would like it to be zoned Low Density Residential. Their rationale for this is that the site is bordered to the south west by small residential lots, the site has a lovely outlook over the water towards Seven Mile Beach and the Lewisham waterway therefore making it a nice area for housing. They believe the zoning applied is inconsistent and inequitable as properties adjacent to the road are LDR zoning and have been developed as such and this should be provided to this site. The site is close to transport and it is the representors belief that issues around sewerage infrastructure could be overcome. The zoning doesn't take into account the interest in properties within the Lewisham area. Concerned about a lack of consultation in the area and the landowners aren't aware of the ramifications of that zoning. They believe the works are infill. They believe it is unreasonable that there is no mechanism for subdivision.</p>



Figure 39: The subject property highlighted.

Planning Authority Response

This area of Lewisham includes a number of larger lot Rural Living lots, one row of houses back from Lewisham Scenic Drive. The area is not serviced by sewer or water and there are limited bus and other services in the vicinity. The representor, while raising concerns, has not provided supporting documentation or analysis in relation to how the application of the Low Density Residential (LDR) zone meets the Southern Tasmanian Regional Land Use Strategy (STRLUS), how the site could be serviced (even if just by stormwater), what the supply and demand requirements for this area are, or how other social services can be provided.

Of particular relevance for consideration is the consistency with the STRLUS. In terms of applying the LDR zone, consideration must be given to SRD 1.6. This specifies that the LD zone should be applied only where it is necessary to manage land constraints in settlements or to acknowledge existing areas. This specific site is not an existing area of low

	<p>density type lots. Lewisham as a settlement, is identified as a Dormitory Suburb with Very low consolidated growth scenario. What this means is that there should be no new potential dwellings except single dwellings on existing lots or existing subdivision potential. Furthermore the consolidation scenario specifies that growth should be from infill development which can include exiting subdivided lots, and subdivision of existing zoned but vacant or developed residential lots. It does not allow for an expansion of the LDR zoning to other areas. Whether this is fair or reasonable is not the question to be answered, rather does the rezoning meet the strategic documents that exist in relation to this site, and does it represent fair and orderly planning. It is considered that this area of Lewisham in the future may be suitable for a higher density of development, however at this time when the STRLUS is drafted as it is, it is not considered appropriate to apply a LDR zone.</p>
Recommended Action	No change.
Effect of recommendation on draft LPS	No effect on the draft LPS.

<i>Representation No 26</i>	M Jacobsons, 19 Jacobson's Road, Kellevie
Matters raised in representation	<p>Concerned about the zoning of the land as Agriculture. Believes it should be zoned Rural. Believes that the land should not be considered as Agriculture as:</p> <ul style="list-style-type: none"> • The existing land use is dwellings and small sheep grazing lease. Not viable for more than 50 sheep. • Surrounding land use includes tourism and accommodation ventures and residential uses. • Non-viable cherry orchard due to salinity.

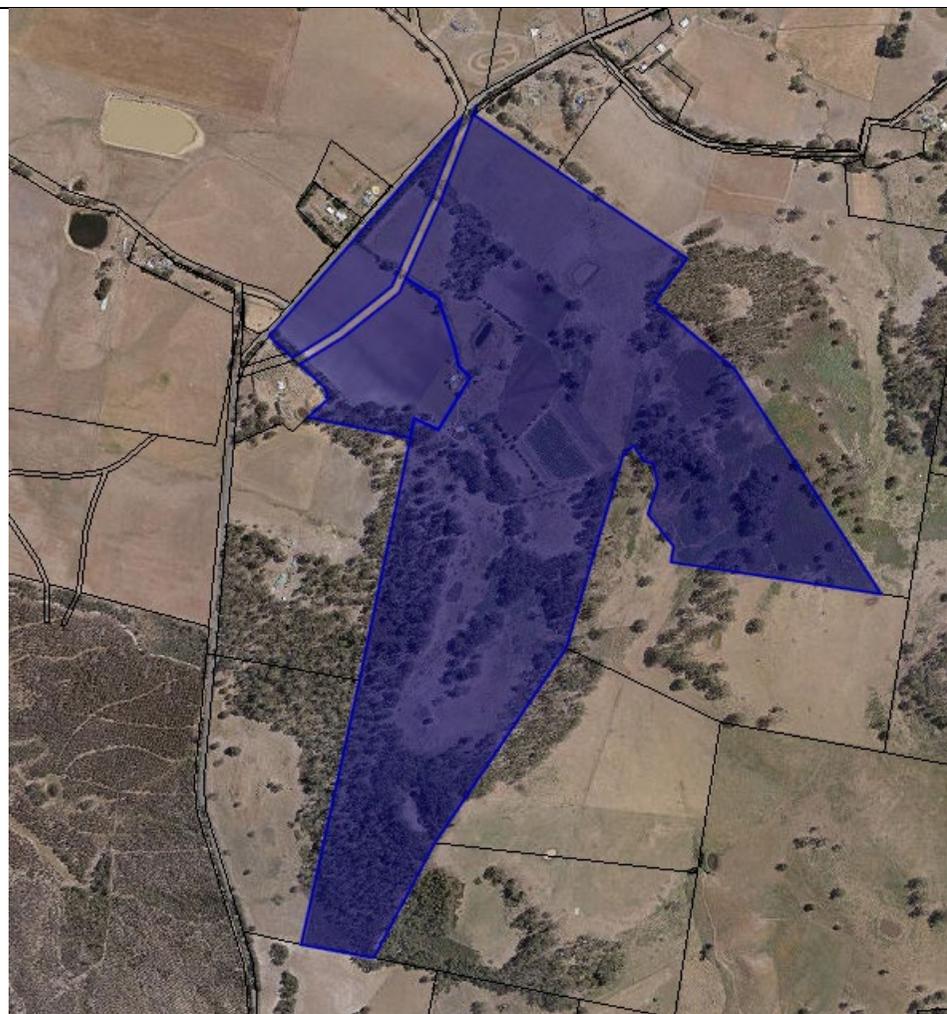


Figure 40 The subject property at 19 Jacobsons Road, Kellevie

- The land is classified on the LIST map as class four, but predominantly 5, 5+4 and 6. The land is unlikely to have access to water other than small dams.
- The land includes area of threatened vegetation community (*Eucalyptus globulus* dry forest and woodland).

Planning Authority Response	The property is adjacent to land that has been considered within Representation #22 and #23. The land appears to be used for low level grazing, with a small orchard.	
	Criteria 1 Land Size	The combined areas of the titles are approximately 84ha. Therefore there are considered unconstrained.
	Criteria 2 Adjoining uses	There are a number of structures although one appears to be a shed. One of the titles includes a dwelling, it is unclear whether the capital value of the land is less than \$50,K/ha.
	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However the on the western side of the property includes houses, over the road from the property include houses and to the north include houses.
	1	The Titles have an area of over 80ha which by that calculation is not constrained.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	Considerations against potentially constrained Titles 3 (like these clusters). Should be considered having regard to: <ul style="list-style-type: none"> • Existing and surrounding land use – The land surrounding the lots have a range of uses, including grazing, accommodation and wedding venues, bushland and residential. • Isolated from agricultural land – The property is adjacent to a number of agricultural properties, some of which are in the same ownership.

		<ul style="list-style-type: none"> • Current ownership. The site is in one ownership; there are limitations to where the property could expand to. • Agricultural potential – The size of the parcels has agricultural potential but the lots are limited due to the lack of irrigation and existence of threatened vegetation communities. • Localised strategic mapping. There has been no localised strategic mapping, the site has been identified as class 5-6 capability. 	
	4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.	
	5	Titles may be split zoned – this is not considered appropriate for this site, if different zonings were to apply they should apply along title boundaries.	
	6	<p>The land has been considered potentially constrained No local or regional analysis of this area has been undertaken. Clauses (b) and (d) are not applicable. Clause (c) referencing the protection of significant natural values is relevant as the site does have a large tract of threatened vegetation community. Considering the limitations for the agricultural opportunities, protection of this community should be prioritised.</p> <p>The land has some potential for agricultural use</p>	
	7	N/A as the land is identified as potentially suitable for agriculture.	
Recommended Action	The property PID 2023417 should be zoned Rural, and the priority vegetation overlay applied. Furthermore, the properties identified below in Figure 41 should also be rezoned to Rural, in reflection of similar vegetation values, but also the limitations to agricultural use on those sites.		

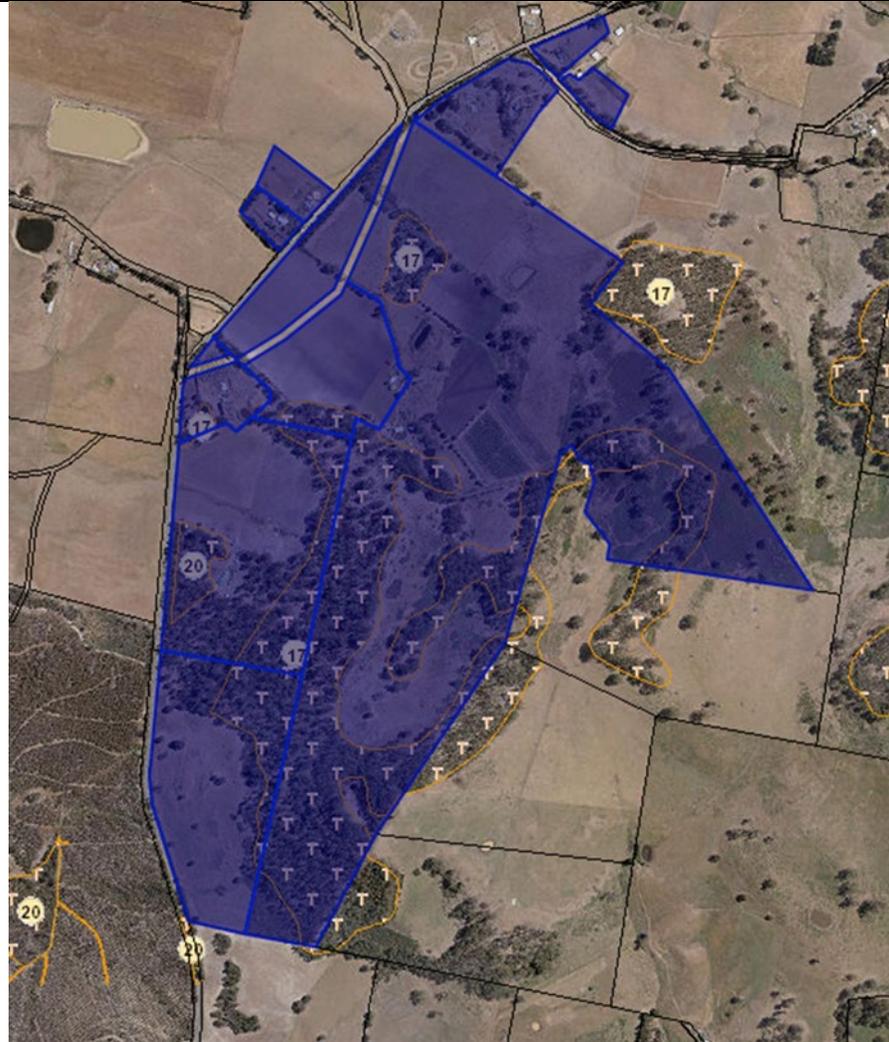


Figure 41: The properties identified to be zoned Rural, not Agriculture, under the LPS.

These properties are:
7 Woolleys Road, 24522/1

	<p>11 Woolleys Road, 127473/1 10 Woolleys Road, 133390/1 19 Jacobsons Road, 134924/1 291 Kellevie Road, 130390/2 285 Kellevie Road, 130390/1 8 Jacobsons Road, 205428/1 214 Kellevie Road, 41716/1 180 Kellevie Road, 84398/1.</p> <p>This recommendation was reviewed by RMCG Agricultural Consulting and this approach was endorsed.</p> <p>.</p>
Effect of recommendation on draft LPS	Aside from the properties impacted by the change, there is no broader effect on the draft LPS.

<i>Representation No 27</i>	D and J Grafton, Escape Investments, 152 Lewisham Scenic Drive. – See representation #25. These representations are the same.
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<i>Representation No 28, 29 and 30</i>	Dr Lee Peterson, Burnt Hill Road on behalf of Charles Bignell of Stroud Pty Ltd, JM Bignell Pty Ltd and Chubcak Pty Ltd. Relevant PIDs include 2179649, 3192124, 3260318, 3370744, 3370752, 5960959, 7873947, 3370760, 3370779, and 7873947
Matters raised in representation	The representor raises concerns regarding the zoning of their property as Agriculture instead of Rural. The entire property is currently zoned Rural Resource. The property is spread over 37 titles and there is acknowledgement that some titles should

be zoned Agriculture, but not all of them. The submission is supported by an agronomist report.



Figure 42: The Titles for which this representation 28, 29 and 30 is based on.

The titles have been assessed in relation to their land capability. As you would expect they vary across the property as a whole. They include -

PID 3370752: predominantly a Private Timber Reserve. After this they fall into class 4x and class 5 and 6.

PID 7873947: Predominantly class 3 and 4. After this they are zoned class 4. One title is zoned Rural due to its proximity to residential properties – it is the only rural zoned title in the farm holding. Operate as part of the dairy.

PID 5960959: Predominantly class 5 and 6. No water resource therefore it is dryland grazing.

PID 2179649: Class 5. No access to irrigation. Grazed as part of the dairy.

PID 3192124: Predominantly class 3 and 4, used as pasture for dairy.

PID 3260318, class 5 and 6 but a small title so would need to be amalgamated with other titles.

PID 3370760: Even mix of class 4 and 5 land. Dairy on this site as well as dams.

PID 3370779: Class 3 and 4, and a private timber reserve.

PID 7873947: Evenly split between class 3, 4 and 5 and 6. Used for a mixture of Private timber reserves, on the less quality land, and dairy on the better quality land.

The agronomist is arguing that the land in timber reserves should be zoned Rural as they are without irrigation, have steep slopes in places and are not able to be used for crops. These timber reserves are show in the following figure.

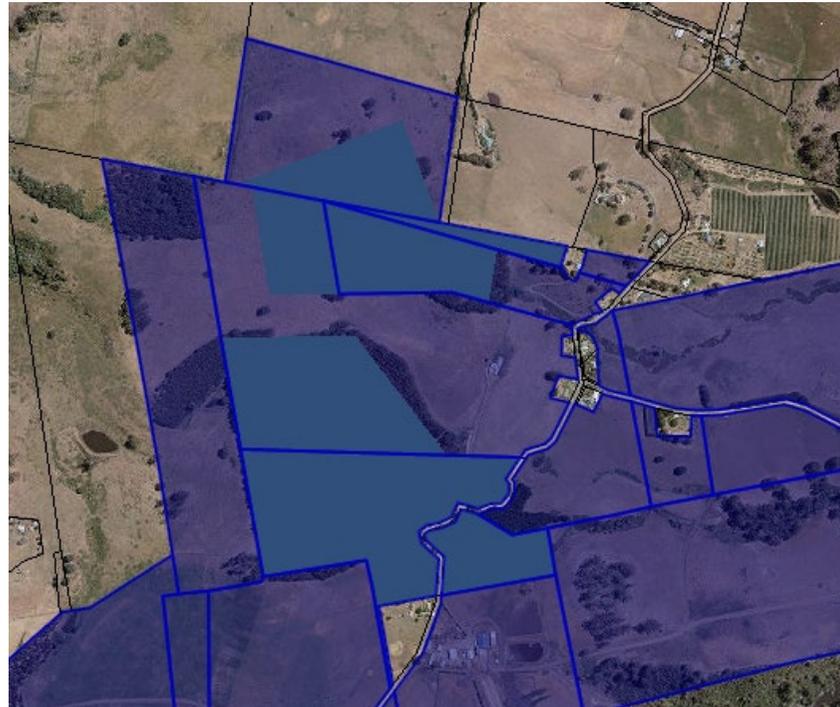


Figure 43 : Timber reserves highlighted in teal, at the northern end of the overall property.

Planning Authority Response	<p>It is of note that the representations were submitted separately, apparently based on PIDs. This resulted in submissions which attempted to demonstrate titles that were isolated from each other. However three separate representations were provided and when considered together given that they are under the same ownership, the overall farming operation is clearer. To that end, the representations have been combined to efficiency and to more accurately reflect the ownership and likely operation of the farm.</p> <p>When considering the land holdings across the whole farm, it is clear that there are synergies and linkages between the properties, which make up a broader farming operation. Notwithstanding this, each individual title will be assessed related to its</p>	
	Criteria 1 Land Size	<p>Notwithstanding that the titles chosen for this representation are part of a broader farm operation, this response will consider the PID's individually.</p> <p>PID 3370752, 16.6ha total land area; meets the 10ha minimum requirement. PID 7873947, 19.8ha total land area; meets the 10ha minimum requirement. PID 5960959, over 100ha total land area; meets the 10ha minimum requirement. PID 2179649, 2.4ha. PID 3192124, 60.3ha meets the 10ha minimum requirement. PID 3370744, 1.3ha PID 3370760, 45ha, meets the 10ha minimum requirement. PID 3370779, 203ha, meets the 10ha minimum requirement. PID 7873947, 168ha, meets the 10ha minimum requirement.</p> <p>Importantly, all the lots are adjacent to at least one other lot in the overall land holding. To that end, even the smaller lots can be viable and unconstrained when considered in the broader farm holding.</p>
	Criteria 2 Adjoining uses	<p>The vast majority of the titles are free from capital investment. There is a dwelling at 106 Bream Creek Road, at 124 Bream Creek Road and at 198 Burnt Hill Road. Whether the capital value of the titles are more than \$50K/ha is hard to establish as they are on reasonably size lots. It is considered at an overall farm scale level, they are unconstrained.</p>

Criteria 3 Adjoining residential zoning	Properties that are part of PID 7873947 are adjacent to the Village zone. The remaining titles are not adjacent to a residential zone, although a number of them are adjacent to smaller titles with individual dwellings. Partially constrained.
1	The titles combined have a land area of well over 600ha. This is unconstrained
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles 3 (like these clusters). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The land both as part of the Titles and surrounding the lots have a range of uses. This includes Private Timber reserves, grazing for dairy, irrigated grazing. The land is adjacent to properties that include residential uses, vineyards, and dryland grazing. • Isolated from agricultural land – The titles are not isolated from agricultural land, every title is adjacent to another title in the same overall farm operation. • Current ownership. The site is in owned under different corporate entities, but they all appear to be owned by Charles Bignell. • Agricultural potential – The size of the parcels has agricultural potential. Some titles have access to irrigation and others don't. In reflection of this, the landowner has some titles in irrigated pasture for dairy cattle, and others such as the forestry reserves, in locations that are steeper and not irrigated. • Localised strategic mapping. There has been no localised strategic mapping, the farm broadly has been classified as having land classification 3-6 land.
4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.
5	Titles may be split zoned – this is not considered appropriate for this site, if different zonings were to apply they should apply along title boundaries given the number of titles that the overall farm incorporates.
6	The site does not include large tracts of threatened vegetation. There are no strategically important uses that need to be reflected in a different zone. The land is part of an overall larger farm holding which is clearly under agricultural use.
7	N/A as the land is identified as potentially suitable for agriculture.

	<p>The overall operation of this farm includes a variety of agricultural uses, including forestry, irrigated pasture for dairy, grazing land for dairy operations, and some of the better agricultural land in the municipality.</p> <p>While there may be pockets where the land has a lower land capability, in considering the farm as a whole, it appears predominantly unconstrained. The only area where this should be reconsidered, is the land currently under a Private Timber reserve (see Figure 19). Further advice was sought from a qualified agronomist who determined that the properties should all be retained within the Agriculture zone, noting that some of the plantations have been harvested and could therefore be converted to pasture.</p>
Recommended Action	<p>These titles should remain Agriculture.</p> <p><i>This approach was reviewed by RMCG Agricultural Consulting and this approach was endorsed.</i></p>
Effect of recommendation on draft LPS	<p>There will be no effect on the draft LPS.</p>

<i>Representation No 31</i>	Dr Lee Peterson, on behalf of, Greg Baynton, 679 Fulham Road, Connelly's Marsh
Matters raised in representation	<p>Concern that the property has been zoned Agriculture when it should have been zoned Rural. The representation has been supported by an agronomist assessment.</p> <p>The property has a land area of 11.2ha and frontage to the Frederick Henry Bay coastal foreshore reserve in the ownership of the Crown. The majority of the land capability class is class 5 with 19% class 6 and a very small percentage class 4. The property is only considered appropriate for grazing and at low levels. The climate is classified as temperate climate, with a mean annual rainfall of 542mm. The site is highly exposed to winds. There is a waterhole however the water collected is not suitable for irrigation.</p> <p>The site does not have access to any other form of irrigation. The site is adjacent to the Environmental Management zone but within 30m to the west of the site, is land zoned Low Density Residential and Rural Living. Land to the east of the site is currently zoned Rural Resource.</p>



Figure 44 The subject site as 679 Fulham Road, Connellys Marsh highlighted.

Planning Authority
Response

The site is adjacent to farming land to the east, a coastal reserve to the south and south west, a low density residential settlement to the west, and a road to the north. The site was originally part of the Fulham farm property however this title has relatively recently been sold.

Criteria 1
Land Size

The land area is 11ha. This is classified as unconstrained.

	Criteria 2 Adjoining uses	There are no structures on the property itself. Unconstrained.
	Criteria 3 Adjoining residential zoning	The property is separated from a Low Density Zone by a 25m strip of Environmental Management Land which follows the line of the creek. In practical terms it can be considered that the property is adjacent to residential zones, Low Density and Rural Living, on the western side. Constrained.
	1	The titles combined have a land area of 11ha. This is unconstrained.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles 3 (like these clusters). Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land use is dry land grazing. The property to the east and over the road to the north is also used for grazing and is a more substantial land holding. The properties to the south include the Environmental Management zone reflecting the coastal reserve and the creekline. Further west still is the Low Density Residential and Rural Living Zone land which are in much smaller land holdings used for residential purposes. Isolated from agricultural land – The site is adjacent to an agricultural site to the east, and in fact was subdivided off this property. However this site, and that immediately to the east, are in separate ownership from the original Fulham property. Current ownership. The site is in single ownership unrelated to adjoining properties.

		<ul style="list-style-type: none"> • Agricultural potential – The size of the parcel, the land capability, windy location, lack of access to water, and constraints of nearby residential properties, significantly impedes undertaking intensive agricultural operations. • Localised strategic mapping. There has been no localised strategic mapping, the property has been classified as having land classification 5-6 land.
	4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site, given it’s small size.
	6	The site does not include large tracts of threatened vegetation. There are no strategically important uses that need to be reflected in a different zone.
	7	N/A as the land is identified as potentially suitable for agriculture.
	<p>Fundamentally, it is considered difficult to utilise this property as a viable agricultural holding. While it could be incorporated into adjoining properties, given this parcel was recently sold by the adjoining land owner to the current owner, it is considered unlikely that the properties would be combined again.</p> <p>The site could be zoned as Rural, however it would result in a potential spot zoning being distinct from other Rural zoned land. Alternatively, the site could be zoned Rural Living D. This would not be entirely consistent with the Rural Living properties to the west, which are Rural Living A and therefore have some capacity for further subdivision. However the Rural Living D zoned land would enable the property to be used as a hobby farm which appears to reflect it’s most likely use, but would not allow for further subdivision.</p> <p>To ensure the most appropriate zone was applied, further advice was sought form RMCG Agricultural consultants. The advice received was that in their view, the parcel of land could be farmed in conjunction with adjoining land and in their view it should be retained in the Agricultural zone. It was further acknowledged however that the circumstances for this site were complex to come up with a workable solution.</p>	
Recommended Action	In considering the advice received from RMCG consultants, but also the circumstances applying to this property and the ownership, it is recommended to zone the property at 679 Fulham Road, CT 176804/9 as Rural.	

Effect of recommendation on draft LPS	There is no effect on the draft LPS.
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<i>Representation No 32</i>	Lee Peterson on behalf of Alexander Gray, 258 Fulham Road, Dunalley
Matters raised in representation	<p>Concerns raised about the land being zoned Agriculture instead of Rural. The representation was supported by an agronomist report. The property is spread over 7 titles with a total land area of 1078ha. The use of the site includes grazing, a small area of irrigated cropping, forestry and native vegetation. There is also a shellfish cultivation area close to the foreshore at Frederick Henry Bay. Four titles have been zoned rural and are not being considered as part of this analysis. The four titles being requested to be zoned Rural include 176805/1, 176860/1, 176860/4 and 176804/1.</p> <p>The report highlights the lack of irrigation water, and the sites exposure to winds, as being critical issues in terms of agricultural viability.</p> <p>The agronomist report identifies these properties as being classified as follows:</p> <p>176860/1, 370ha: The LIST Map indicates that 34ha of this land is used for a private timber reserve. The remainder of the property includes 14% as class 4, and approximately 36% as class 5 or 6. It has been identified that there are limited opportunities for cropping, and unsuitable for viticulture or stonefruit.</p> <p>176805/1, 302ha: Over a third of this site is class 4 land capability, with close to 60% being class 5 or 6. The site is considered unsuitable for viticulture and stone fruit.</p> <p>176804/4, 55ha: The majority of this site is class 5e, with a small section class 4 and the remainder class 5/6. The site is highly exposed to the weather. This site is under different ownership but is farmed in conjunction with the main Fulham property.</p> <p>176804/1, 3.6ha: This site is a small title, which is class 5 and 6 and highly wind blown. It is highly exposed.</p>



Figure 45 The identified property titles which are zoned Agriculture which the representor wants to be rezoned to Rural.

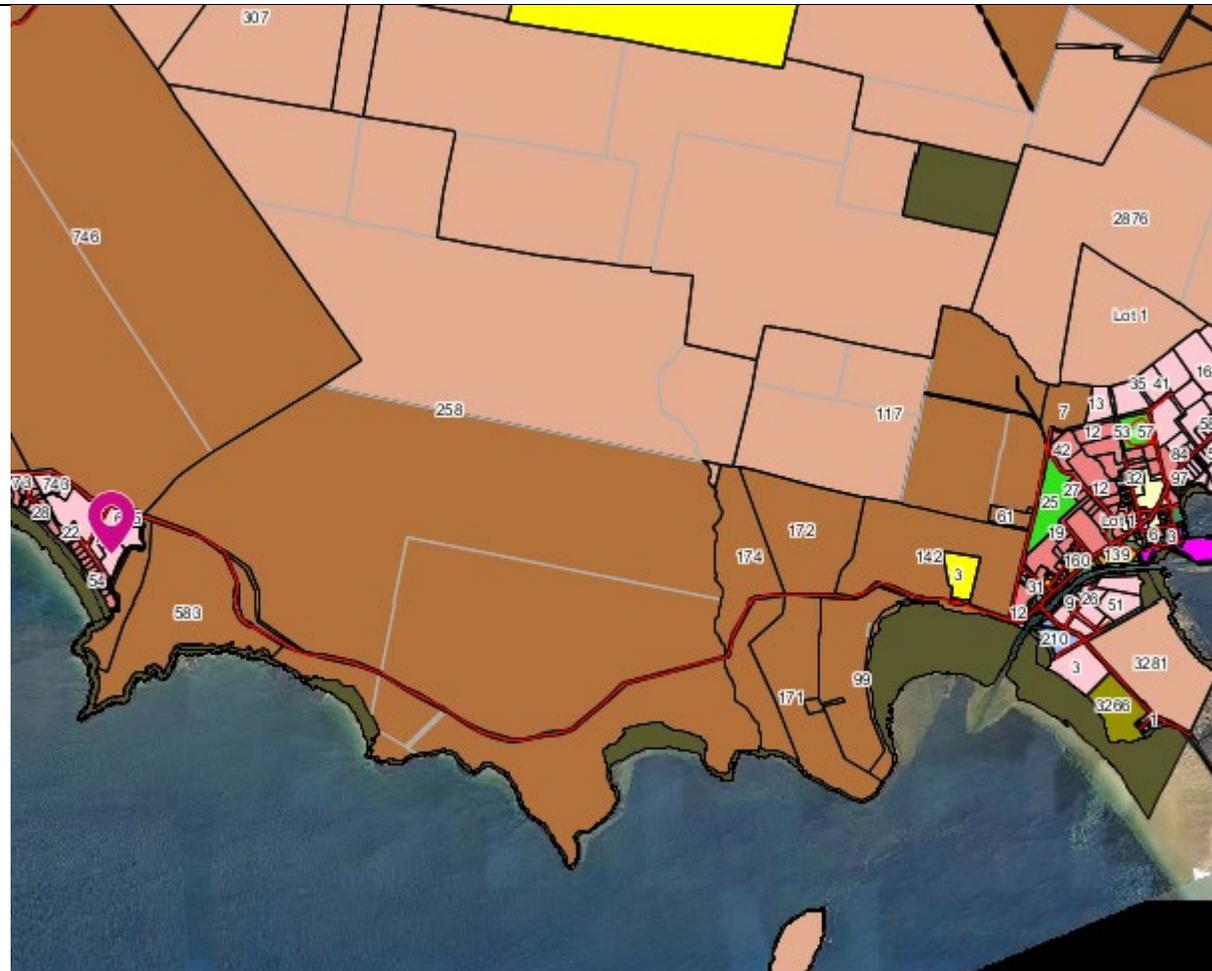


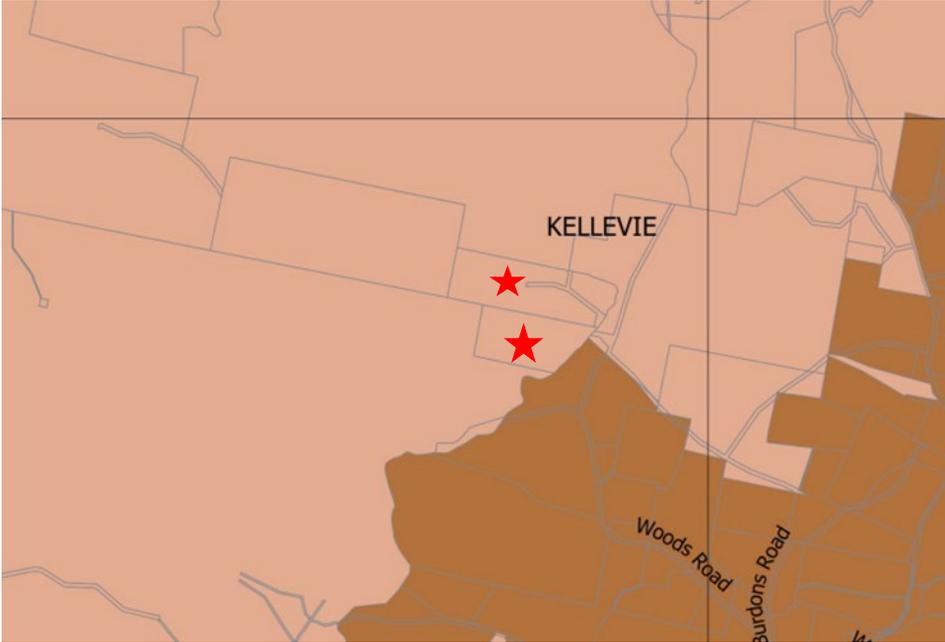
Figure 46 The broader site in relation to land zoned Rural, Dunalley to the east and Connellys Marsh to the west.

The mean rainfall for this area is 542mm per annum. There is no irrigation scheme present in the area and the ephemeral nature of Carlton River flow means it can not be relied upon as a water source.

Planning Authority Response	The site in total is a substantial parcel of land and part of a broader farming operation. The most critical issues on the property are access to water, relatively poor soil quality, and the exposed nature of the property given its southerly aspect adjacent to Frederick Henry Bay.	
	Criteria 1 Land Size	The land area is 11ha. This is classified as unconstrained.
	Criteria 2 Adjoining uses	CT 176860/1 is vacant and used for dryland grazing, with some dams with irrigation allocations and small irrigation activities. . CT 176805/1 includes a dwelling and associated outbuildings. Given the size of the site it is unlikely that the capital values of the work is more than \$50K/ha. CT 176805/1 includes the shellfish operation and is on a smaller lot which is adjacent to the waterfront. It is plausible that the capital value of the structures is more than \$50K/ha. CT 176804/1 is a smaller lot and has no capital works located on it. Partially constrained.
	Criteria 3 Adjoining residential zoning	The property is surrounded by Rural land to the east, north and west. To the south the property is adjacent to the coastal foreshore and in places appears to have a title to high water mark. There are no residences on adjoining properties. Unconstrained.
	1	The titles combined have a land area of over 600ha. This is unconstrained.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	Considerations against potentially constrained Titles 3 (like these clusters). Should be considered having regard to:

		<ul style="list-style-type: none"> Existing and surrounding land use – The existing land use is dry land grazing, an aquaculture operation, and the residential dwelling. To the east, north and west is also dryland grazing. Isolated from agricultural land – The site is adjacent to an agricultural site to the east, north and west. To the south the title goes to Frederick Henry Bay. Current ownership. The site is in single ownership and is related to a further 400+ha of land utilised as part of the same farm. That land is zoned Rural. Agricultural potential – The land is a significant land holding, and when considered with the land further to the north, represents over 1000ha of farm. However the site is subject to extreme wind, erosion, relatively low rainfall levels, no access to irrigation and in places poor soil quality. To that end, there are limitations to the agricultural potential on site. Localised strategic mapping. There has been no localised strategic mapping, the property has been classified as having land classification 5-6 land predominantly.
	4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.
	5	Titles may be split zoned – The site could be split zoned although it is unclear whether this would assist in this instance.
	6	The site does not include large tracts of threatened vegetation although there are small copses of vegetation. The site does accommodate an aquaculture operation although both the Agriculture Zone and the Rural Zone can accommodate this.
	7	N/A as the land is identified as potentially suitable for agriculture.
	<p>The land is a substantial holding, and this, combined with the expectation that the site can have access to water, appears to have driven the zoning of the land as Agriculture. When considered in relation to:</p> <ul style="list-style-type: none"> The wind prone nature of the site; Limited rainfall; 	

	<ul style="list-style-type: none"> The zoning of the remainder of the property to the north as Rural, where there are few differences in land capability; <p>It is considered that the property may be more appropriately zoned Rural however determining this was not clear.</p>
Recommended Action	<p>To confirm the appropriate zoning for the site, advice was sought from RMCG Agricultural consultants. The advice they have provided is as follows:</p> <p><i>The holding is substantial in size and is used for dryland grazing. While there are definitely climatic limitations, dryland grazing on a property of this size is an agricultural activity and in our opinion the land should be retained in the Ag Zone. The tree planting indicate investment in the property to enhance/protect its agricultural attributes in our opinion</i></p> <p><i>If we'd completed the zoning for this area, we would have considered split zoning 5004/3 Ag/Rural to try and keep the existing dam and area utilised for contract potatoes in the Ag Zone. I also note, the title has a water licence further 19ML of surety 5 winter take water and 59ML of surety 6 winter take water more than is mentioned in the ag report. There does not seem to be any existing dams associated with this water, but is available to fill dams if they are built.</i></p> <p><i>The owners also have an 800ML allocation from the Carlton River. To use this water, they would need to pump it to their property and construct a storage dam. In a number of the Agronomist reports reviewed, there is mention of the Carlton River not being suitable for irrigation, however there does appear to be a number of water licence's associated with the River that suggest otherwise. Although the river may be fully allocated.</i></p> <p>The advice is that this property should be retained in the Agriculture zone.</p>
Effect of recommendation on draft LPS	<p>There is no effect on the draft LPS.</p>

<p>Representation No 33</p>	<p>Mark Sands, Woods Road, Kellevie, Lot 2 Stokes Road, Kellevie and 174 Woods Road, Kellevie. (CT 237841/1, 209265/1, 247159/2, and 152498/7)</p>
<p>Matters raised in representation</p>	<p>Concerned about the application of the Rural zone, particularly as it relates to the conservation covenants that apply to the land. The owners believe the land should be partially zoned Landscape Conservation to adequately protect the threatened vegetation communities and reflect the intentions of the conservation covenants.</p>  <p>The map shows a section of Kellevie with several lots. Two red stars are placed on the subject site, which is located at the intersection of Woods Road and Lot 2 Stokes Road. The surrounding area includes other lots and roads like Burdons Road.</p> <p>Figure 47: The subject site at Woods Road and Lot 2 Stokes Road. Note that not all titles are shown on this map.</p>
<p>Planning Authority Response</p>	<p>This site comprises three lots under the same ownership. Each lot is below 15 ha each and is fully vegetated. Most of the site is subject to conservation covenant, although a small area has been left clear presumably to allow for a future dwelling.</p> <p>The site adjoins land with mixed characteristics. To the north is land under the ownership of Sustainable Timbers Tasmania, which includes Sugarloaf Reserve (an informal reserve under the Rebuilding the <i>Forest Industry Act 2014</i>). To the south-east is the land discussed above (lots six and seven) while to the east is mixed farming land.</p>

	<p>Under the SIPS the site is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk), Biodiversity Protection Area and Waterway and Coastal Protection overlays.</p> <p>Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is fully subject to the Priority Vegetation overlay.</p> <p>The representor has requested that all lots are entirely zoned Landscape Conservation.</p> <p>The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>For the Landscape Conservation Zone the guidelines, LCZ1 state:</p> <p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While the site does have significant ecological values there are no other identified landscape values. The ecological values will however be protected through the Priority Vegetation overlay. Wholly zoning these lots, Landscape Conservation would create an relatively small isolated area of spot zoning within a area where only the Rural and Agriculture zones are used.</p> <p>The proposed rezoning to Landscape Conservation is not supported.</p>
Recommended Action	Retain the Rural Zoning for these sites.

Effect of recommendation on draft LPS	There is no effect on the draft LPS.
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<i>Representation No 34</i>	Kevin Goodall, 172 Primrose Sands Road
Matters raised in representation	<p>Concerned that the property is zoned Agriculture when it should be zoned Rural. The representation was drafted by the land owners. They have raised concerns that:</p> <ul style="list-style-type: none"> • the property does not have access to irrigation water; • The property is separated from other agricultural land; • The property is only suitable for dryland grazing; <p>The property is 40ha.</p>



Figure 48 The subject property highlighted.

Planning Authority
Response

The representation was not accompanied by an Agronomist report, therefore TheLIST mapping is relied upon. This determines that the site is predominantly class 4 with a section class 5. There are no private timber reserves on the property and it is predominantly vacant except for a small shed. No data is forthcoming on rainfall in the area however it is considered likely to be consistent with nearby areas such as Connelys Marsh where there is mean rainfall of approximately 560mm per annum.

Criteria 1

The land area is 40ha. This is classified as unconstrained.

Land Size

	Criteria 2 Adjoining uses	CT 10048/4 is vacant except for a small shed therefore has capital value of less than \$50K/ha. Unconstrained
	Criteria 3 Adjoining residential zoning	The property has Agricultural land to the east, south and west. Across the Carlton River the land is zoned variously as Rural Living and Low Density Residential however the site is separated from this area by Carlton River itself.
	1	The title has a land area of over 40ha. Unconstrained.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles should have regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is dry land grazing, and vacant land. This is the same to the east and south and southwest. It is of note that the property to the east has had approval for a caravan park although this has not been fully acted upon yet. • Isolated from agricultural land – The site is adjacent to agricultural land although all nearby lots are in separate ownership and are not in intensive agriculture at this time. • Current ownership. The site is in single ownership. • Agricultural potential – The land is a relatively small land holding at 40ha. It does not have access to water, although the state wide agricultural land mapping suggests it is class 4 agricultural land which does suggest a level of potential for further investment. However it is considered that expansion opportunities are limited. • Localised strategic mapping. There has been no localised strategic mapping.

	4	Consideration of the Potential Agricultural Land Initial Analysis – all the sites have been identified in this layer.
	5	Titles may be split zoned – The site is not of adequate size to be split zoned nor is there any distinguishing features across the site that would lend itself to this approach.
	6	The site does not include large tracts of threatened vegetation nor does the site have unique features that would discourage an Agriculture zone.
	7	N/A as the land is identified as potentially suitable for agriculture.
	<p>No supporting documentation has been provided to argue the case for the land to be zoned Rural, other than the suggestion that the application of the Agriculture Zone would inhibit what the landowners wish to do, and that at best they see the site as being a lifestyle property.</p> <p>It is acknowledged that the site does not have access to water and this is an impediment to intensive horticultural activities. However it is note to say that if the property was in a different ownership, that they could not use the site for farming activities.</p>	
Recommended Action	<p>The property CT 10048/4 continue to be zoned Agriculture.</p> <p><i>This recommendation has been reviewed by RMCG Agricultural Consultants and endorsed.</i></p>	
Effect of recommendation on draft LPS	<p>There is no effect on the draft LPS.</p>	

<i>Representation No 35</i>	Joan Ward, 316 Marion Bay Road.
Matters raised in representation	The representor has raised concerns about the application of the Agriculture zone to their property and argue it should be zoned Rural. The represent submits that they are in support of representation number 17 and 19 which addresses the same issues they are raising.



Figure 49: The subject site highlighted.

This representation states that they are concerned about the application of the Agriculture zone to their property and believe it should be zoned rural. The site is just under 1ha and is south of Marion Bay Road. It currently includes a dwelling, and associated residential buildings and activities including sheds and gardens.

The site is classified as land capability 4/3. There is variable rainfall at the site but low frost risk.

- Highly variable rainfall, but low frost risk.
- Existing infrastructural buildings include residential dwelling, and sheds.
- Current land use is residential.

Planning Authority Response	The site is used solely for residential purposes. To the east of the site is another residential property, and 200m to the west is a further residential property.	
	Criteria 1 Land Size	The site is under 1ha therefore is constrained.
	Criteria 2 Adjoining uses	The site has a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.
	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However at least 3 properties nearby are used for residential purposes and are quite small. Potentially constrained. Criteria 2A.
	1	No strategic agricultural mapping has been done in this area.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land residential, with some adjacent land uses also residential, and nearby dryland grazing. • Isolated from agricultural land – the site is adjacent to other lots of various sizes with land capability 4. It is isolated from agricultural land given the small titles adjacent many of which are not used for agricultural purposes. • Current ownership. The site is not owned in conjunction with other properties and all properties adjacent are in separate ownership, many with established dwellings on them. • Agricultural potential – the size of the site, lack of water, and development that has occurred demonstrate that there is no agricultural potential on site. • Localised strategic mapping. Nearby localised strategic mapping has determined land class 5 is present. <p>This analysis suggests the site is highly constrained.</p>

	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer but is being argued that the layer is incorrect.
	5	Titles may be split zoned – this is not considered appropriate for this site particularly given the small land area and the fact that the entire site is developed for residential purposes.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Localised analysis shows that the land is class 5 but no strategic mapping of the broader area has been undertaken. Clause (b) – (d) are not applicable. (e) should be considered as there is limited potential for agricultural use as it is not part of a larger farm holding and is a very small site, it is constrained by the lack of water resources, and the adjoining residential properties.
	7	N/A as the land is identified as potentially suitable for agriculture.
	The site can not be used for agriculture, nor can it be incorporated with adjoining properties. The site should be zoned Rural consistent with the approach outlined in representation 20.	
Recommended Action	Rezoned the property CT 11424/2 be zoned Rural consistent with the recommendations in representation 20. <i>This recommendation was reviewed by RMCG Agricultural consultants and endorsed.</i>	
Effect of recommendation on draft LPS	There is no effect on the draft LPS.	

<i>Representation No 36</i>	Emma and Tim Birchall, 12 Elizabeth Street, Lewisham
Matters raised in representation	Concerned that their land at Lewisham should be zoned Low Density Residential instead of Rural Living D. The representor believes that the Council is interfering in the development opportunities afforded to people to suit their own needs. They believe it is inequitable.

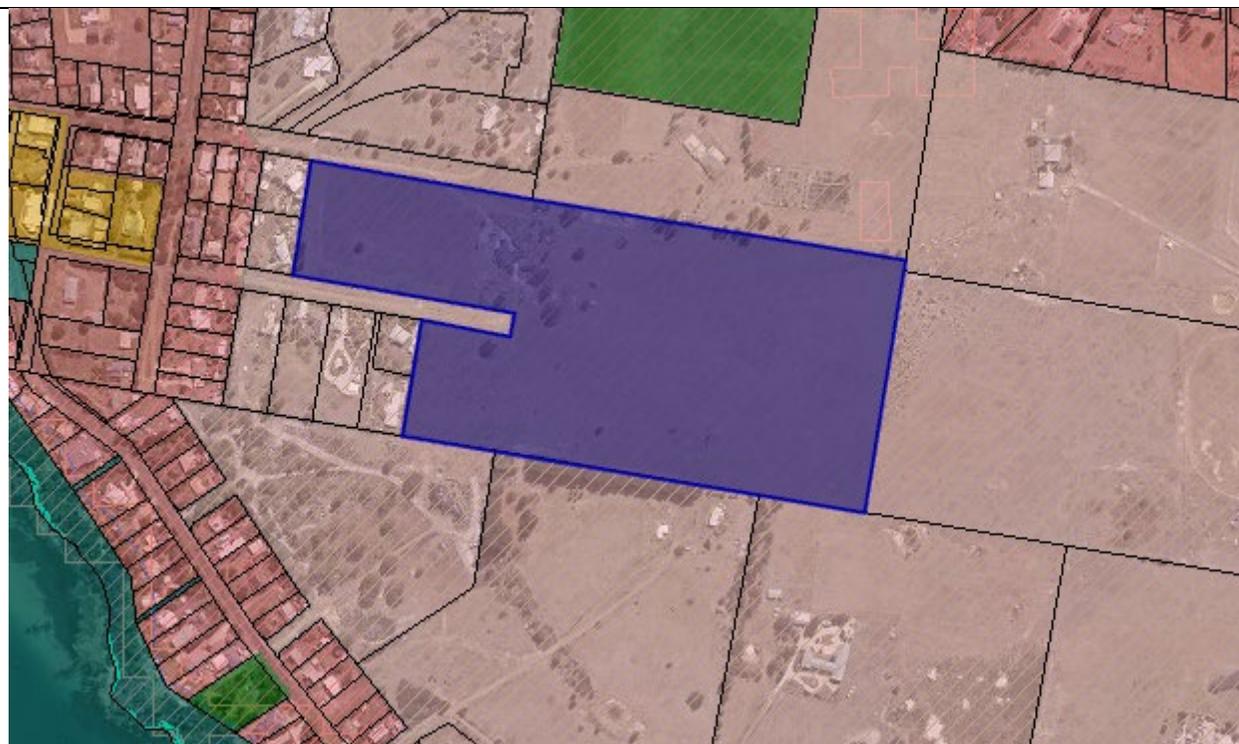


Figure 50: The subject site highlighted.

Planning Authority
Response

Any application of a zone must occur through a rigorous process assessing the strategic merits of the zone. This is further considered by the Tasmanian Planning Commission. This is how planning works at a statewide level, which ensures that Councils can not “interfere” in peoples lives to suit their own needs.

This area of Lewisham includes a number of larger lot Rural Living lots, one row of houses back from Lewisham Scenic Drive. The area is not serviced by sewer or water and there are limited bus and other services in the vicinity. The representor, while raising concerns, has not provided supporting documentation or analysis in relation to how the application of the Low Density Residential (LDR) zone meets the Southern Tasmanian Regional Land Use Strategy (STRLUS), how the site could be serviced (even if just by stormwater), what the supply and demand requirements for this area are, or how other social services can be provided.

	<p>Of particular relevance for consideration is the consistency with the STRLUS. In terms of applying the LDR zone, consideration must be given to SRD 1.6. This specifies that the LD zone should be applied only where it is necessary to manage land constraints in settlements or to acknowledge existing areas. This specific site is not an existing area of low density type lots. Lewisham as a settlement, is identified as a Dormitory Suburb with Very low consolidated growth scenario. What this means is that there should be no new potential dwellings except single dwellings on existing lots or existing subdivision potential. Further more the consolidation scenario specifies that growth should be from infill development which can include exiting subdivided lots, and subdivision of existing zoned but vacant or developed residential lots. It does not allow for an expansion of the LDR zoning to other areas. Whether this is fair or reasonable is not the question to be answered, rather does the rezoning meet the strategic documents that exist in relation to this site, and does it represent fair and orderly planning. It is considered that this area of Lewisham in the future may be suitable for a higher density of development, however at this time when the STRLUS is drafted as it is, it is not considered appropriate to apply a LDR zone.</p>
Recommended Action	No change.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 37</i>	Eric Giardullo, Lot 15 Drovers Rise, Carlton River.
Matters raised in representation	Concerned that their land is zoned Rural and should be zoned Landscape Conservation given the conservation covenants that apply to the properties.
Planning Authority Response	<p>This lot is one of a contiguous group of 14 lots that extend from the Arthur Highway to the Carlton River area. Lots are generally around 40ha in area and are all separately owned. They were created as a result of a single subdivision at which time the conservation covenant was placed on the land. The conservation covenant covers 323 ha.</p> <p>The ecological values protected by the conservation covenant are diverse and include threatened vegetation communities, habitat for swift parrot and the presence of wedge tail eagle nests.</p>

The representor has requested split zoning of these parcels based on the conservation covenant area. The amount of land reserved on each title varies from as little as 1% through to 90% of the lot area.

Under the SIPS the lot is zoned Rural Resource and wholly within Bushfire Prone Area overlay. Part of each lot is also currently subject to the Landslide Hazard (low and medium risk) and Waterway and Coastal Protection overlays and there are small areas in the Biodiversity Protection overlay.

Under the draft LPS it has been zoned Rural. On the draft overlay maps the site continues to be wholly subject to the Bushfire Prone Area overlays and partially subject to the Landslide Hazard and Waterway and Coastal Protection overlays. Additionally, it is also partially subject to the Priority Vegetation overlay. The Priority Vegetation overlay generally aligns with the area subject to the conservation covenant as shown below.

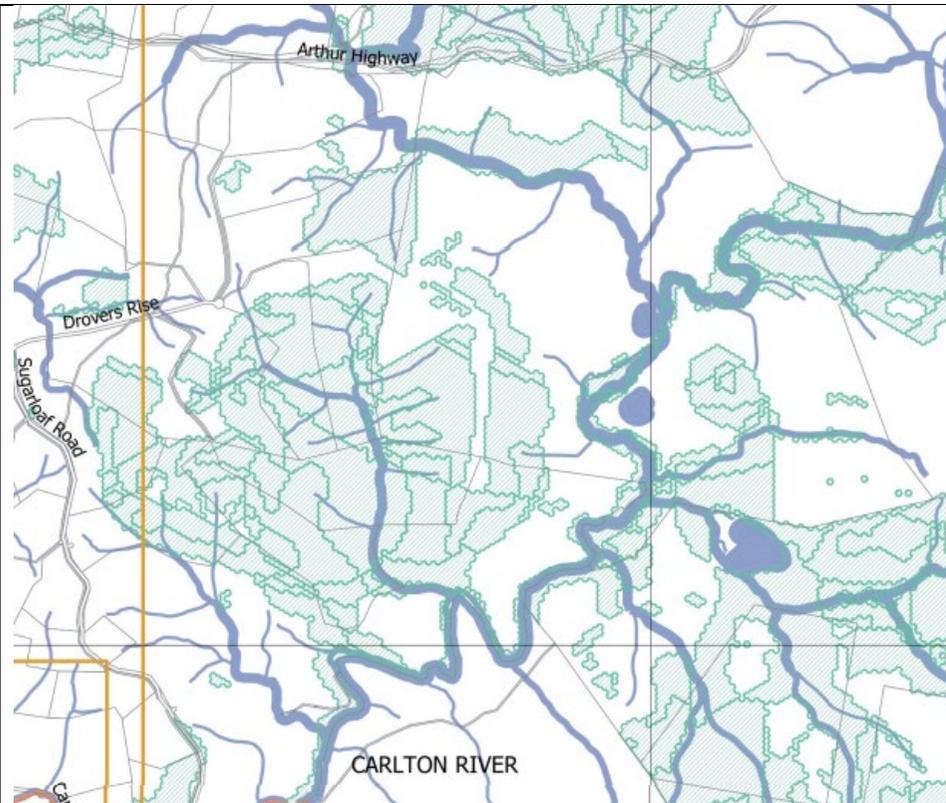


Figure 51: The overlays applicable to this part of Drovers Rise.

The LPS Zone and Code application Section 8A guidelines are the first point of reference in considering the appropriate zones for a site. For the Rural Zone RZ1 under the guidelines state:

The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

For the Landscape Conservation Zone the guidelines, LCZ1 state:

	<p><i>The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.</i></p> <p>While each lot do have significant ecological values, there are no other identified landscape values. The area maintains rural characteristics and the lots have been created as a rural subdivision. Split zoning of the lots would also create inconsistency with other lots in the surrounding area which are also proposed to be zoned Rural but include areas reserved through conservation covenants. Ecological values will be protected through the Priority Vegetation overlay.</p> <p>The proposed split zoning is not supported.</p>
Recommended Action	Retain the Rural Zoning.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 38</i>	Danielle Gray, on behalf of Kristin Clark-Oates, Lot 1 Tamarix Road, Primrose Sands
Matters raised in representation	<p>Concerned that their property is zoned Environmental Management (EM) and should be zoned Low Density Residential (LDR). Concerned that as the property is in private ownership, the EM zone is inappropriate. Propose that a section of the property be retained as EM so that in the future if a subdivision was to occur, that the frontal dunes can become public land consistent with the rest of Primrose Sands Beach.</p> <p>The representation argues that historical concerns in relation to developing this site have been addressed. These include concerns regarding:</p> <ul style="list-style-type: none"> Natural Values – there are no significant natural values on the site, since a report undertaken by North Barker in 2003 identified an area of saline herbfield which was vulnerable, the site has been further encroached upon by non-endemic species, and this vegetation type no longer exists;

- Stormwater – Council no longer drains stormwater to this site although inadequate stormwater infrastructure more broadly impacts upon the subject site. The proposal would enable the construction of more appropriate stormwater infrastructure for not just this site, but the broader catchment.
- Road design – Reports demonstrate that an engineering solution to road design can be achieved.
- Coastal inundation – varying reports have analysed the inundation risk, and coastal erosion risk of this site. The summary suggests that the previous reports undertaken by GES err in methodology, and that the site is not experiencing the level of recession shown elsewhere. Appropriate controls and mitigation measures can be implemented to minimise any risk, and risk will need to be addressed in any event to protect adjoining properties.



Figure 52: The subject property at Lot 1 Tamarix Road, Primrose Sands

<p>Planning Authority Response</p>	<p>It is acknowledged that the application of the Environmental Management Zone to this site is an unusual approach given that the site is in private ownership. This zoning has been applied as similar and consistent zonings have applied to this site over a number of years, therefore the approach of translating planning scheme zones, has been employed. The property exhibits a number of constraints and characteristics, including:</p> <ul style="list-style-type: none"> • Biodiversity values – Saline Aquatic Herbland; • Waterway and Coastal Protection Area; • Coastal Erosion Hazard Areas (Medium and High Risk); • Inundation Prone <p>It is acknowledged that the applicant has provided further information refuting previously held concerns regarding stormwater management, and coastal inundation and erosional risks. It is accepted that ongoing works in the area may resolve some of the stormwater issues that exist, although Council’s Stormwater System Management Plan (dated May 2020), determines that some of the mitigation measures that Council will be implementing in the area will only go part way to improving/resolving the draining and inundation issues on site. These inundation issues have come about through a natural wetland/watercourse on the northern side of Tamarix road with the flow of water having no other “escape route” in times of heavy rainfall. To that end, without significant stormwater infrastructure development on site, it is difficult to know whether the site can be appropriately drained.</p> <p>A more critical issue with the expansion of the LDR zone to part of this site, is the compliance of this with the Southern Tasmanian Regional Land Use Strategy (STRLUS). The growth strategy for the Primrose Sands area is as a Dormitory suburb with very low consolidated growth. This means that no new potential dwellings, except on existing lots or whether there is existing low density subdivision potential, this can be utilised. The consolidated scenario indicates that growth should be predominantly from infill development, including the development of existing subdivided lots, or subdivision of existing zoned but vacant or developed residential lots.</p> <p>To rezone a section of this site to LDR is not consistent with STRLUS and the growth scenario’s determined. It is not disputed that STRLUS requires updating and more accurate data should be relied upon in terms of housing supply and demand. However this document currently informs decision making around rezoning.</p> <p>Consideration should be given to whether the EMZ should be applied to this site, given that the site is not in public ownership, and it does not have significant values that require protection. In considering alternative zonings, and given the site constraints, at this time, the EMZ as applied represents the most appropriate fit for the site.</p>
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Recommended Action	No change.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 39</i>	David Newitt, 188 Arthur Highway, Sorell
Matters raised in representation	Concerned that the property at 188 Arthur Highway, which is proposed to be zoned Agriculture, should be zoned Future Urban. The site is a 141ha parcel of land, south of the Arthur Highway, approximately 1km east of Sorell. It is bounded by the highway, by other large agricultural land holdings to the west, and Iron Creek to the east. The site is currently used for dryland grazing. The site is spread over 4 titles, and accommodate two dwellings.

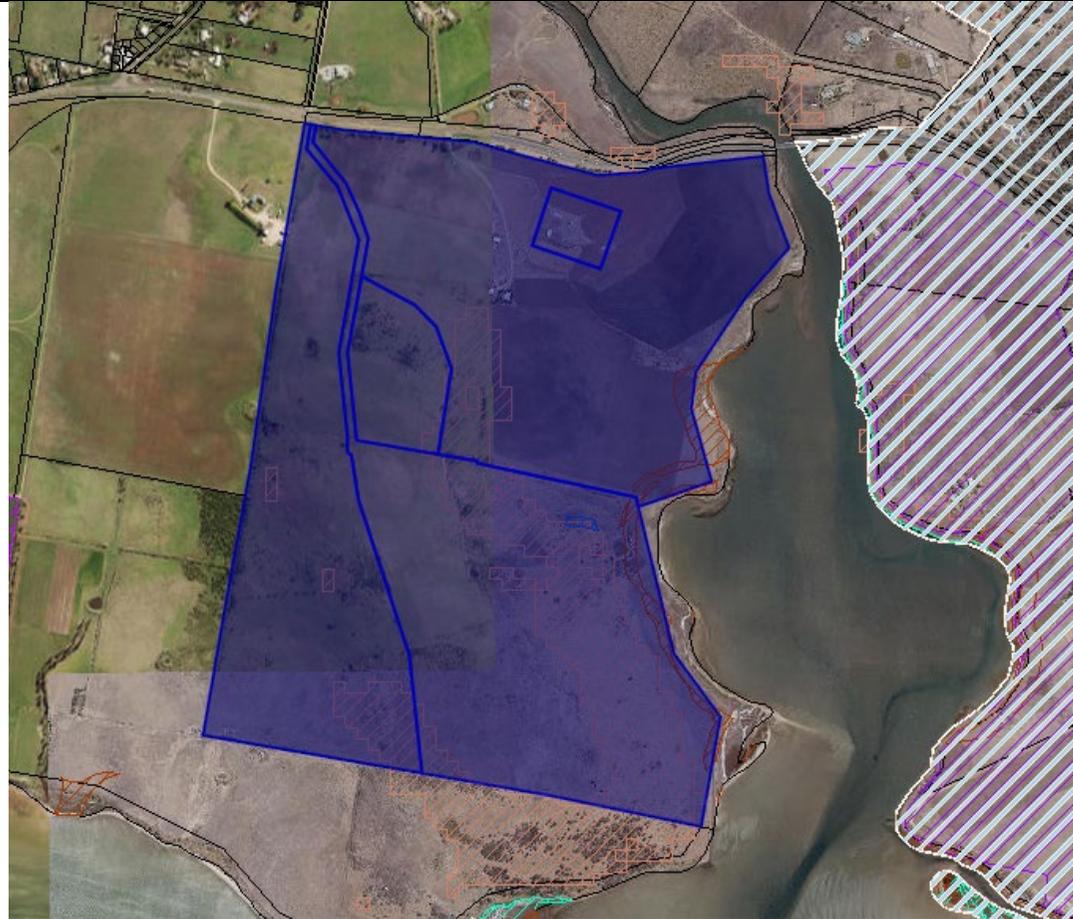


Figure 53: The subject property at 188 Arthur Highway highlighted. Note the irrigation district to the east.

The representation was accompanied by an agricultural report undertaken in 2013. This determined that the site arguably was potentially irrigable (given the close proximity of the south east irrigation scheme) but also had large areas of rocky outcrops and shallow soils. The site was classified as predominantly class 5, with some class 4 and class 6. It is considered that the potential for irrigation was what has resulted in the agricultural zoning however it is argued that this is incorrect. The reason for this is that the rocky outcrops and shallow soil depth mean it is not suitable for irrigated cropping and only

	suitable for grazing. However the northern title has sandy loam soil, minimal presence of rock and is highly suitable for irrigated cropping.	
Planning Authority Response	The land is classified as class 4 and class 5 agricultural land. The South East Irrigation scheme skirts around the property and at its closest point is just over 130m from the scheme. The northern title is dominated by Class 4 land, with the southern titles dominated by class 5 according to TheLIST data.	
	The site is currently used for agricultural purposes although does not appear to be heavily stocked or in intensive horticulture.	
	Criteria 1 Land Size	The site is over 10ha therefore is unconstrained.
	Criteria 2 Adjoining uses	The site has a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.
	Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However the property to the west has a residential (and transport depot) use, and properties across the Arthur Highway are variously used for residential purposes, and general retail purposes. Somewhat constrained.
	1	No strategic agricultural mapping has been done in this area.
	2	Land within the Significant Ag zone should be zoned Agriculture. One of the titles is zoned Agriculture with others zoned Rural Resource. At least the title that is zoned Agriculture should remain as such.
	3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is used for grazing. Surrounding land uses include grazing, but also residential, general retail and transport depot. Isolated from agricultural land – the site is adjacent to other lots of various sizes with land capability 4 and 5. To that end the site is not isolated from Agricultural land. Current ownership. The site is not owned in conjunction with other properties however the four titles are in the one ownership making up a substantial parcel of land at over 141ha.

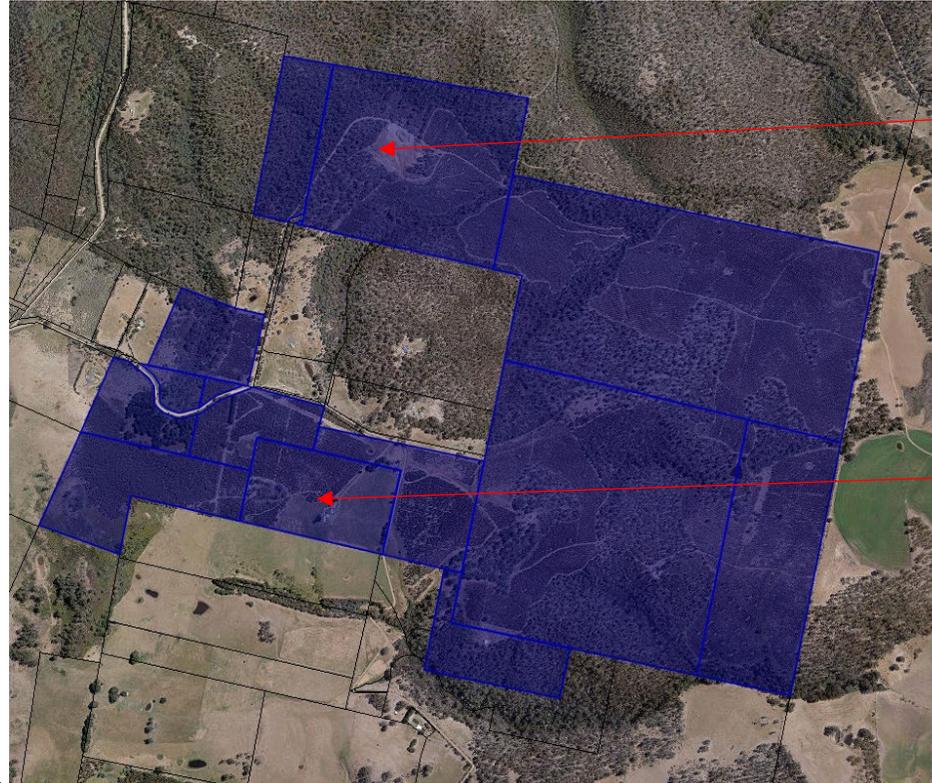
		<ul style="list-style-type: none"> • Agricultural potential – Parts of this site have greater potential than other areas, in part due to the better quality soils, but also the proximity to irrigation supplies. As Sorell expands the site may become more constrained, however the land at the moment has significant agricultural potential. • Localised strategic mapping. Nearby localised strategic mapping has determined land class 4 and 5 is present. <p>This analysis suggests the site is somewhat constrained but currently represents viable agricultural land.</p>	
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.	
	5	Titles may be split zoned – The site as a whole could be split zoned, particularly given the variation in agricultural viability. However the individual titles should not be split zoned.	
	6	Land is identified as potentially constrained. Localised analysis shows that the land is class 4 and 5 and is reasonably close to irrigation, but no strategic mapping of the broader area has been undertaken. Clause (b) – (d) are not applicable. (e) should be considered particularly as there is potential for agricultural use, and the site is a not insignificant land holding. There are some constraints however are not major constraints to agricultural use, and there are no other reasons for why the agricultural zone should not be used.	
	7	N/A as the land is identified as potentially suitable for agriculture.	
Recommended Action	<p>The entire site is currently zoned Agriculture under the LPS. Under the SIPS the northern lot is zoned Significant Agriculture while the southern and western lots are zoned Rural Resource. Advice was sought from RMCG Agricultural Consultants regarding the best approach. Their recommendation was to retain the split zoning approach with the other titles to the west to also be zoned Rural. This is reflected within the recommendation below.</p> <p>This recommendation however does not take into account the strategic recommendations within the Sorell Land Supply Strategy. Council feels strongly that this area should be zoned Future Urban to recognise the growth corridor for Sorell However Council acknowledges that the Regional Land Use Strategy does not provide a mechanism for considering a modification to the UGB of this scale.</p> <p>The LPS should be modified to recognise the agricultural analysis of this site, with Titles CT 129450/2 and CT 129450/1 zoned Rural.</p>		

Effect of recommendation on draft LPS	<p>The LPS should be modified</p> <p>Aside from the subject properties, there is no effect on the draft LPS.</p>
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<i>Representation No 40</i>	PC and DJ Jacobson, 641 Bream Creek Road (13 separate titles)
Matters raised in representation	<p>Concerns about the zoning of the property as Agriculture from Rural Resource. Reasons why they do not believe the site can be used for intensive agriculture include the lack of irrigation, large sections are steep and covered in rock and dispersive soils, large sections are used for plantation forestry.</p>

Planning Authority
Response

The property is located in Bream Creek and is predominantly used for forestry operations. The totally land area is approximately 350ha and is spread over 12 titles. There is a dwelling on one of the titles, and a mining lease on one of the



Certificate of Title CT
123071/8 which is
currently under a mining
lease.

The dwelling is located
on this property.

northern titles.

Figure 54 The property at 641 Bream Creek Road, spread over 12 titles.



Figure 55 The properties are variously zoned Agriculture and Rural.

The proposed property has been zoned both Agriculture and Rural. The representation was not accompanied by an agronomist report so publicly available data will be relied upon. The land capability mapping found on TheLIST determines that this land has capability 5 and 6. The site does not have access to irrigation. While the site does not have any private timber reserves listed, inspection of aerial photographs determines that a number of the lots are being used for plantation forestry.

There appears to be minimal grazing occurring on site.

Criteria 1 Land Size	The site is over 10ha therefore is unconstrained.
Criteria 2 Adjoining uses	The site is likely to have a capital value of less than \$50K and is adjacent to sites with capital values of less than \$50K therefore is unconstrained.
Criteria 3 Adjoining residential zoning	No properties adjoining are zoned any of the residential zones. However some adjacent properties to the west have residential uses, but many of the lots are vacant and bushland.

1	No strategic agricultural mapping has been done in this area.
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is dominated by forestry with small areas of grazing. • Isolated from agricultural land – the site is adjacent to other lots which could be used for rural purposes, however the dominant land capability is class 5 and 6 in this area. TO the south the land use used for grazing, to the north it is dominated by bushland. • Current ownership. The site has a land area of over 350ha in one ownership. • Agricultural potential – the size of the site is adequate for farming operations, however the land capability does not identify high quality agricultural land, the site does not have access to water, and it does have a range of other uses such as mining and forestry. • Localised strategic mapping. No localised strategic mapping has been undertaken however statewide mapping has determined land class 5 and 6 is present. <p>This analysis suggests the site is constrained.</p>
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.

	5	Titles may be split zoned – this is not considered appropriate for this site particularly given that the overall 350ha of the site is split into 12 titles.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Localised analysis shows that the land is class 5 and 6 but no strategic mapping of the broader area has been undertaken. Clause (b) is relevant as the site does have a mining lease over one of the titles (which is currently zoned Agriculture). Clause (c) is not relevant as the site does not accommodate significant natural values. (d) is not applicable. (e) must be considered. The land has some potential for agricultural use however it is limited given the poor soil quality and lack of irrigation. Parts of the site are very steep.
	7	N/A as the land is identified as potentially suitable for agriculture.
	<p>Some critical influencing factors in relation to this site are:</p> <ul style="list-style-type: none"> • The existing of a mining lease; • Established forestry operations; • Poor land capability. <p>In considering the Decision Tree provided by AK consultants, the title which includes the mining lease should be zoned Rural as the land is not prime agricultural land and is connected to land which is currently zoned Rural.</p> <p>For the Titles which have forestry operations on them it is considered that they too should be zoned Rural. This is because the land is class 5 and 6 predominantly, is owned by a private land holder but is adjacent to other forestry and rural zone titles.</p>	
Recommended Action	<p>All the 13 Titles should be zoned Rural, meaning a change from Agriculture to Rural for 8 Titles. These Titles are:</p> <p>123071/8, 123071/7, 123071/6, 123073/1, 92286/1, 92287/1, 123071/1, 81319/1, 123071/2</p> <p>In addition, the following titles nearby should also be zoned Rural:</p> <p>640 Bream Creek Road, 45311/1</p> <p>Lot 1 Bream Creek Road, 164879/1</p> <p>20 Clearys Lane, 129337/1</p> <p>35 Clearys Lane, 108119/1</p>	

	<i>This assessment has been reviewed by RMCG Agricultural Consultants who have endorsed this approach.</i>
Effect of recommendation on draft LPS	Aside from the properties identified, there is no effect on the draft LPS.

<i>Representation No 41</i>	Mea Quartararo, on behalf of Brian and Cynthia Morey at 136 Arthur Highway, Sorell
Matters raised in representation	The representation argues that the land at 136 Arthur Highway, Sorell, should not be zoned Agriculture, but should be zoned Future Urban. They believe this is because the site has limited agricultural potential, it has been previously identified strategically for future urban use given its close proximity to the township of Sorell, the bypass currently under construction, and the lack of irrigation supply.

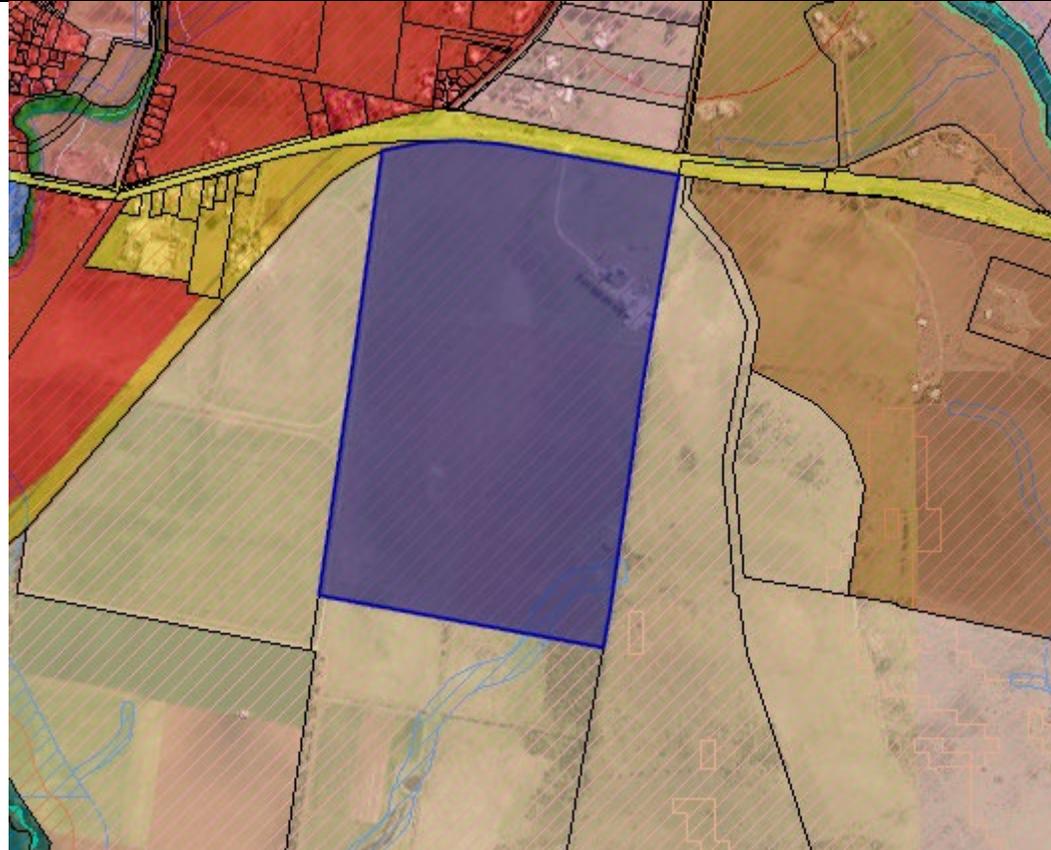


Figure 56: The subject property highlighted.

Planning Authority
Response

Previous strategic work has identified this site as representing the Sorell Eastern Growth corridor (Sorell Land Supply Strategy). In earlier versions of this LPS, Council did identify this land for Future Urban zoning, recognising the fact that strategic reporting had previously identified the land, but also that there represents very few alternative options for residential growth in the region.

The TPC directed the Council to zone the site Agriculture, although the land is currently zoned Rural Resource. In assessing the appropriateness of the Agricultural zoning, the following issues need to be considered.

Criteria 1 Land Size	The site is over 10ha (42ha) therefore is unconstrained.
Criteria 2 Adjoining uses	The site may have a capital value of more than \$50K and is adjacent to sites with capital values of more than \$50K therefore is constrained.
Criteria 3 Adjoining residential zoning	Properties across the Arthur Highway are in residential zonings, both General Residential and Rural Living. The properties directly adjacent are in Rural Resource zoning currently, but are proposed to be zoned Agriculture under the LPS.
1	No strategic agricultural mapping has been done in this area.
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles 2A (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land is used for residential purposes and a trucking company operations. Very little grazing occurs on site and the site is not in agricultural use. • Isolated from agricultural land – the site is adjacent to other lots which could be used for agricultural purposes and which are predominantly in land capability class 4. • Current ownership. The site has a land area of 42ha in one ownership. It is unlikely that the site could be incorporated or utilised with other properties in this area. • Agricultural potential – the size of the site is marginal for agricultural operations and does not currently have access to irrigation (although the irrigation district is within 1km of the site). The land capability is suitable for grazing, however the site is constrained by the proximity of residential properties and other operations nearby. • Localised strategic mapping. No localised strategic mapping has been undertaken however statewide mapping has determined land class 4 is present. <p>This analysis suggests the site is constrained.</p>

	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site particularly given that the land capability on the site as a whole is class 4.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Local strategic studies have identified this site for an alternative zoning (Future Urban), along with a number of adjacent titles. No specific analysis has occurred for this site although broader land capability mapping identifies the site as class 4. Clause (b) and (c) are not applicable. (d) is applicable given the sites strategic location for future urban purposes . (e) is not considered applicable.
	7	N/A as the land is identified as potentially suitable for agriculture.
	<p>It is accepted that the site has some land capability given the class 4 status, and the relatively close proximity to irrigation supplies. However it is also highly constrained from intensive agricultural use given the proximity to the township of Sorell and various surrounding land uses. The remaining question then is whether the land should be zoned Rural, or Future Urban.</p> <p>Zoning the property Rural suggests a level of agricultural capability that is limited given constraints associated with proximity to residential and other uses. Zoning the property future urban would be consistent with the strategic work that has been undertaken, but it is acknowledged that this land is outside of the STRLUS, and therefore would be inconsistent with that broader document.</p> <p>Given the restrictions caused by STRLUS, notwithstanding the merit in arguing for the land to be zoned Future Urban, it is anticipated that this will be met with some resistance. Given that it is considered the more appropriate zoning for the property is Rural which is consistent with the current zone.</p>	
Recommended Action	<p>In accordance with the Sorell Land Supply Strategy the property should be zoned Future Urban. However it is acknowledged that despite the availability of supply and demand data and strategic analysis, the regional land use strategy does not provide a pathway for the expansion of the urban growth boundary, which this would require. To that end, Council considers that the property</p> <p>at 136 Arthur Highway should be zoned Rural.</p>	

	<i>This analysis was reviewed by RMCH Agricultural Consultants and the recommendation to retain the property as Rural was endorsed.</i>
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 42</i>	Ian Stanley, on behalf of Quentin Newitt for Waterson Lane, Baudin Road and McGinness Road
Matters raised in representation	Concerned about the adoption of the Agriculture zone on the two titles. The land is currently zoned Rural Resource, but in addition to that, the owner of the land has submitted to Council a s43a rezoning application and subdivision for the land to be zoned Rural Living. This application was initiated by Council in July 2021 and has recently been exhibited. This application has not been decided by the TPC at this time.

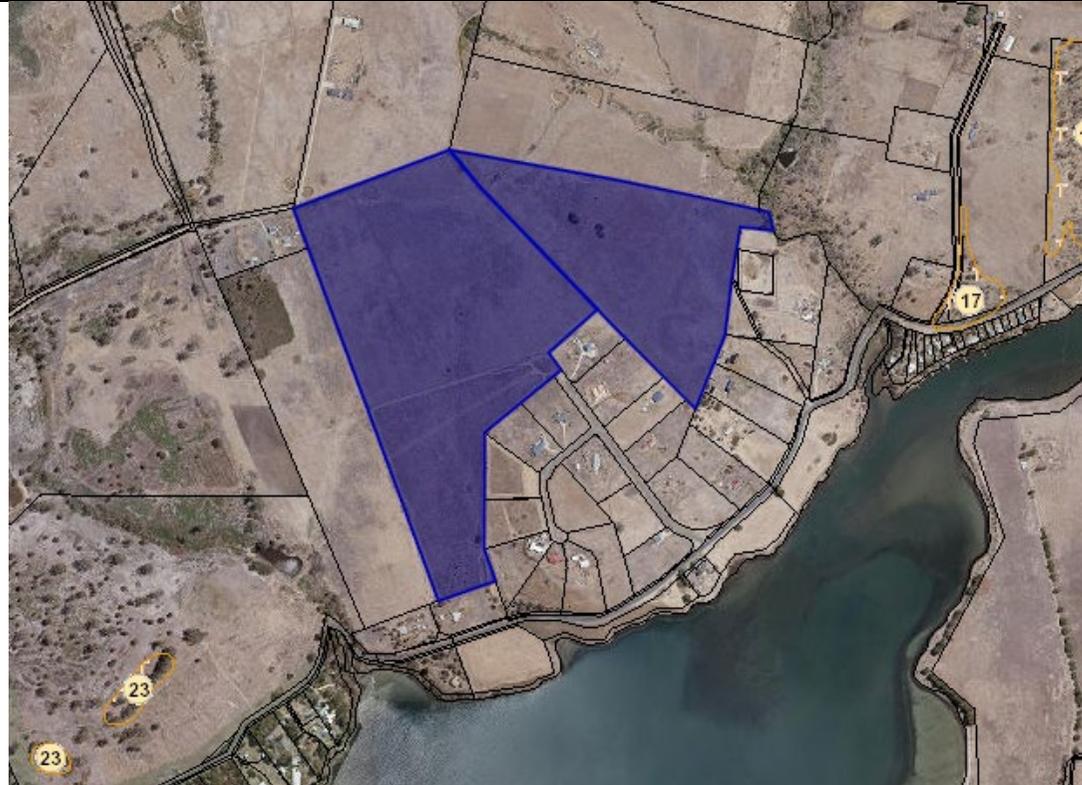


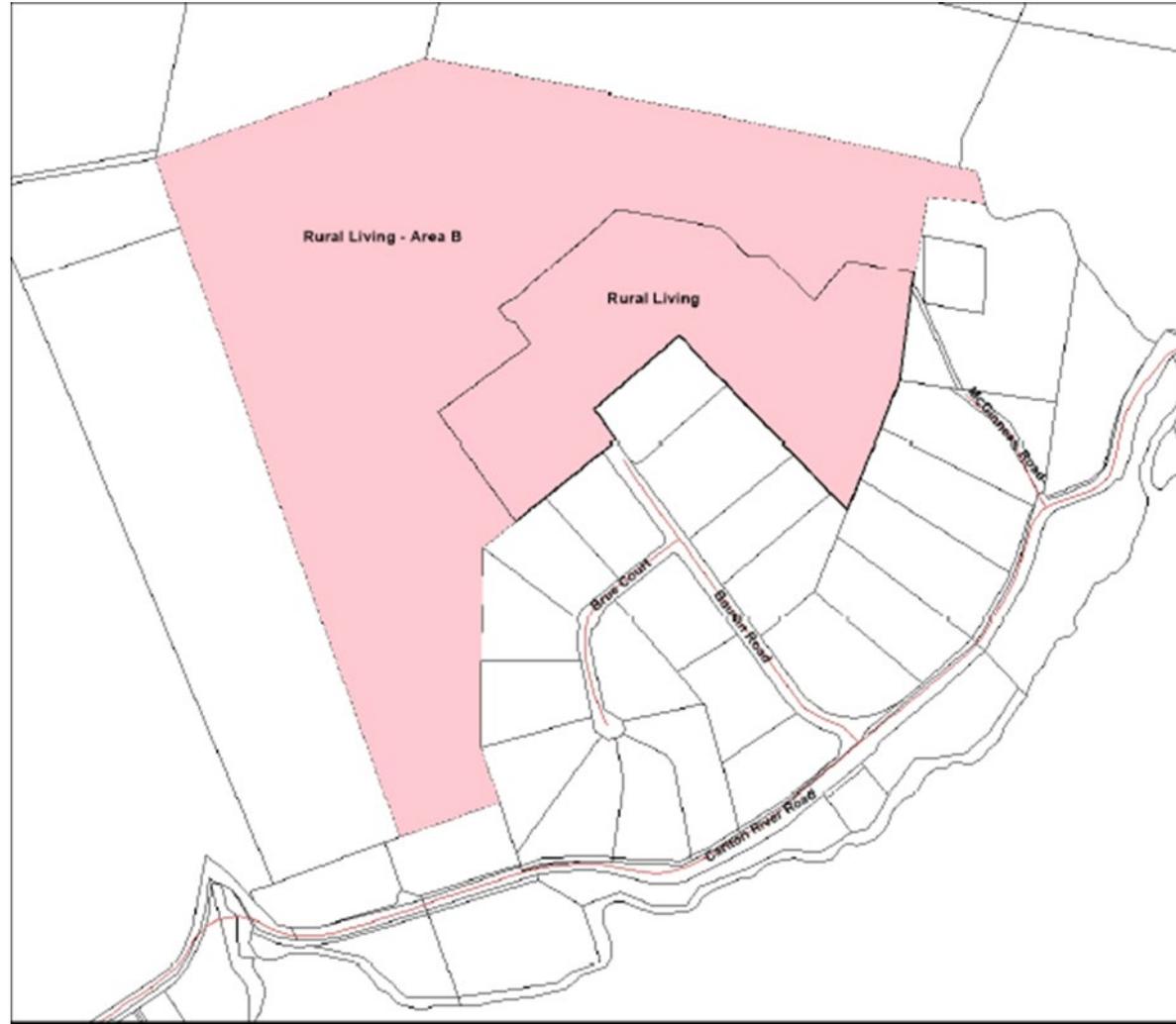
Figure 57 The two titles highlighted.

The rezoning application included an Agricultural analysis which is further provided for consideration in this representation. It determines that the land is a mixture of class 4 and 5 with the key land capability limitations being erosion, rockiness and soils. The report determines that the agricultural land use activity is constrained due to the pastures are in a degraded condition, it is a low rainfall environment with an average annual rainfall of 484mm, there is no access to reliable stock water and there is no access to irrigation water. In addition, the site is adjacent to a number of Rural Living properties further constraining its operations.

Planning Authority Response	It is concurred that the site is constrained, both by poor soil fertility, low rainfall, lack of access to water, and surrounding land uses. Consideration against the following criteria is necessary:	
	Criteria 1 Land Size	Each individual title is over 10ha therefore determined as unconstrained.
	Criteria 2 Adjoining uses	The site is vacant and has a capital value of less than \$50K/ha. Adjoining uses however would have a capital value of more than \$50K/ha. Constrained.
	Criteria 3 Adjoining residential zoning	Properties adjacent are in Rural Living zoning (minimum lot size of 1ha). Constrained.
	1	An agricultural analysis has been done for this area which has found that the properties do not have access to irrigation water, have a mixture of class 4 and 5 capabilities, and are constrained by surrounding land uses.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is used for rural purposes although it has not been cropped for some time and is only used for grazing. The surrounding land uses are dominated by large lot residential, and hobby farms. No intensive agricultural operations occur in the adjoining lots. Isolated from agricultural land – the site is isolated from agricultural land, with land to the south and east zoned Rural Living with almost all lots built on. Land to the north and west is used for Rural purposes but includes housing and is more of a hobby farm/lifestyle area. Current ownership. The site has a land area of 40ha in one ownership. It is unlikely that the site could be incorporated or utilised with other properties in this area given the adjoining uses and lot sizes. Agricultural potential – the size of the site is marginal for agricultural operations and does not currently have access to irrigation. The land capability is suitable for low intensity grazing, however the site is constrained by the proximity of residential properties nearby.

		<ul style="list-style-type: none"> Localised strategic mapping. The agricultural capability of the site was assessed and it found that there were significant limitations to agricultural use. This analysis suggests the site is constrained.
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site particularly given that the land capability on the site as a whole is consistent and the site is already split into two titles.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. The site has been the subject of a rezoning application which was initiated by Council in July but has not been completely assessed. This has determined that this site should be zoned Rural Living but with a mixture of minimum lot sizes; 9 lots at 1ha and 3 lots at 10ha. No specific analysis has occurred for this site although broader land capability mapping identifies the site as class 4 and 5. Clause (b) - (d) are not applicable. (e) is not considered applicable.
	7	N/A as the land is identified as potentially suitable for agriculture.
<p>In considering the constraints on site in terms of soil fertility and access to irrigation, and the proximity of the Rural Living zone nearby, it is considered that the Agricultural zone is incorrectly applied to this site. It is noted that the surrounding lots to the north are also proposed to be zoned Agriculture.</p> <p>This provides for two options; to apply the Rural zone to these lots, but then arguably to the lots to the north also, or the Rural Living zone, consistent with the manner it has been applied within the S43A application before Council.</p> <p>In considering Council’s previous position in relation to the rezoning, it is considered that these properties should be zoned Rural Living A and Rural Living D. This provides for nine 1ha lots surrounding the existing 1ha lots at Baudin Road, and larger lots representing a graduation of lot sizes as the lots move towards the Agriculture zone to the north.</p>		
Recommended Action	Rezone lots 169070/1 and 119331/1 to Rural Living A and Rural Living D consistent with the following map.	

If this is not supported through the TPC process, rezone the tiles to Rural.



	<i>This analysis was reviewed by RMCG Agricultural Consultants who acknowledged the separate process occurring. In the event that the lots are not rezoned to Rural Living A and D, the recommendation is that the land be zoned Rural. This is due to the adjacent residential development to the south and hobby scale lots to the north.</i>
Effect of recommendation on draft LPS	Beyond the properties identified, there is no effect on the draft LPS.

<i>Representation No 43</i>	Michael Morley, on behalf of Tony Buissink at 356 Shark Point Road, James Jacobson at 382 Shark Point Road, and Daimon Wiggins of 404 Shark Point Road.
Matters raised in representation	This representation raises the same issues as found in representation #49, 48, 47, 4 and 10.

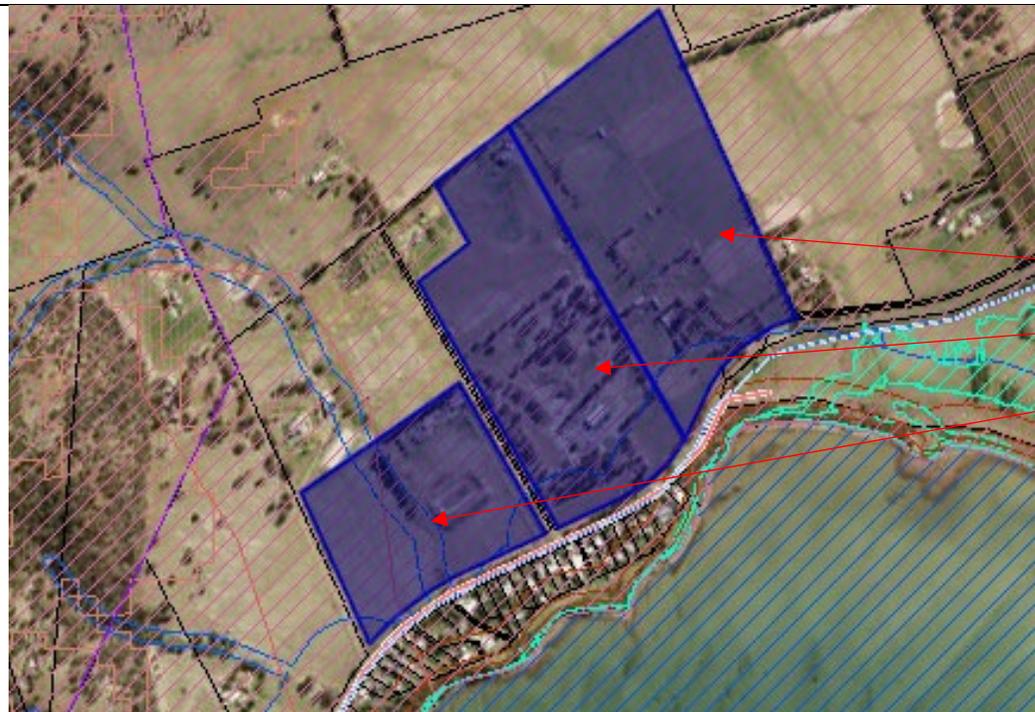


Figure 58 The subject properties highlighted.

The representor argues that the land should be rezoned to Rural Living.

Reasons include all of the lot sizes are under the 40ha minimum, they are not sufficiently large enough to enable a viable agricultural operation, there is no buffer zoned provided between the residential densities to the south of Shark Point Road and the rural land, there is Rural Living land nearby, and the area has the usual services including sealed roads, power, reticulated water and garbage collection.

This proposal has been before Council and the TPC before, including in 2017 where it was refused.

Planning Authority
Response

It is noted that there is considerable history regarding this project and other re-zonings along Shark Point Road. This does not however influence the assessment required to be undertaken.

	<p>Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) the rezoning application was refused. The grounds for refusal at that time were:</p> <ol style="list-style-type: none"> 1. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the Land Use Planning and Approvals Act 1993; and 2. The draft amendment does not further objective 1(b) of Schedule 1 of the Land Use Planning and Approvals Act 1993 to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1. <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. Rezoning this land would result in a significant increase in lot numbers and is not considered to meet requirement of SRD 1.3 (c)(ii) which requires only limited subdivision potential. The issue in relation to the sand mine is less critical given the separation from the area requested to be rezoned, and the mine location. However issues around the sewage treatment plant remain, the lagoon system at Midway Point is a Facultative lagoon, designed for dry weather flow of 5,500 to 20,000KL/day. It requires a 700m attenuation distance. It is acknowledged that a number of existing houses both in Midway Point and Penna are within the attenuation distance. However this attenuation requirement remains under the LPS. Further to these issues already identified, a further constraint on development in this area has been identified associated with high landslip risk (see representation 9 for further details). This highlights the need to limit the amount of residential development in the area, without the services.</p>
Recommended Action	No change to the zoning.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 44</i>	Kate and Iain Field, 114 Bryans Road, Copping
Matters raised in representation	Concerns are raised regarding zoning the property Agriculture instead of Rural Resource. The property is some 108ha in area, and is currently used for grazing and accommodates a dwelling. The land owners are concerned that as the property

does not have access to irrigation, and is dominated by class 5 land with a small section that is class four, the property is not appropriate to be zoned Agriculture.

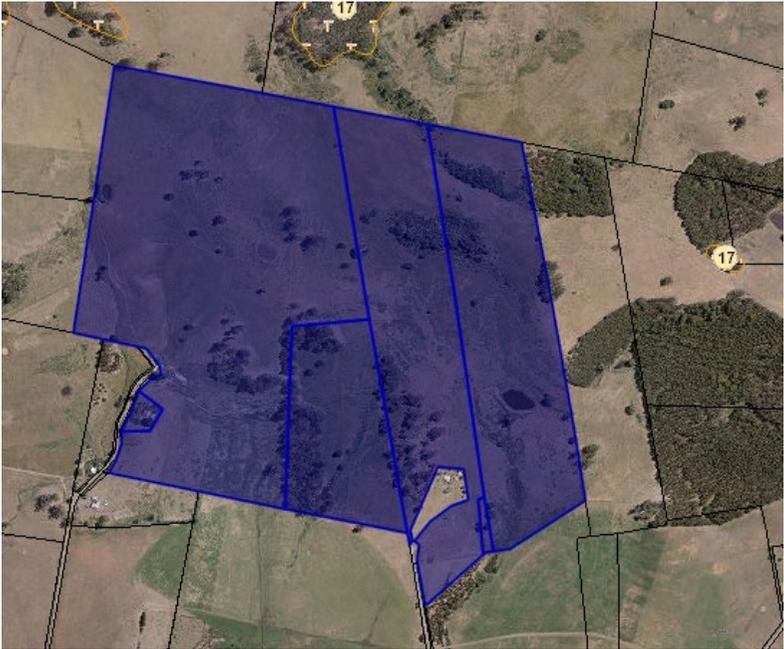


Figure 59: The subject titles highlighted.

Planning Authority
Response

The site is surrounded by rural land of varying degrees of fertility. Most of this land is utilised for grazing, with small copses of trees that are threatened vegetation communities in the nearby area. This site and all those surrounding it are zoned Agriculture.

Criteria 1 Land Size	Combined, the titles have a land area of over 100ha, which determines it as being unconstrained.
Criteria 2 Adjoining uses	Four of the titles are vacant, with one title including a house and associated agricultural outbuildings it is unlikely that the capital value of that property would be more than \$50K/ha. Unconstrained.

	Criteria 3 Adjoining residential zoning	Properties adjacent to the site are zoned Agriculture. There are a number of titles which have houses on them but the majority are vacant. Unconstrained.
1	No formalised agricultural analysis has been completed for this property, however it is known that they do not have access to irrigation supplies, and that the land is a mixture of class 5 and class 4 capability.	
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.	
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land is used for rural purposes although it has not been cropped for some time and is only used for grazing. The surrounding land uses are dominated by rural activities including grazing and cropping. There are a number of small titles that are in residential use. • Isolated from agricultural land – the site adjoins agricultural land on all sides. • Current ownership. The site has a land area of over 100ha in one ownership. It is plausible that the site could be incorporated or utilised with other properties in this area given the adjoining uses and lot sizes. • Agricultural potential – the size of the site is viable for agricultural operations but does not currently have access to irrigation. The land capability is suitable for low intensity grazing. • Localised strategic mapping. No localised strategic mapping has been undertaken for this site. <p>This analysis suggests the site is constrained.</p>	
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.	
5	Titles may be split zoned – this is not considered appropriate for this site given that the land capability on the site as a whole is consistent and the site is already split into a number of titles.	
6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. Other than the constraint on access to irrigation, no other evidence has been provided regarding the inability of the site to be used for agricultural purposes.	
7	N/A as the land is identified as potentially suitable for agriculture.	

	The main concern of the representor appears to be the lack of access to water, and the ability to diversify their business operations. Specifically they are concerned that with the application of the Agriculture zone, that they have fewer opportunities to undertake other uses than they would in the Rural Zone. It is noted that within the Agriculture zone a range of uses can be allowed including Food services, General Retail and Hire, Tourist operation and Visitor Accommodation. Accordingly there are still opportunities for diversification under this zoning.
Recommended Action	No change, that the site remain zoned Agriculture. <i>This assessment was reviewed by RMCG Agricultural Consultants who endorsed this approach</i>
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 45</i>	Brian Risby, on behalf of Douglas Harris at 207 Marion Bay Road, Carly Lambert at 211 Marion Bay Road and Ingrid Van Putten at 215 Marion Bay Road, Marion Bay
Matters raised in representation	<p>The representation raises concerns about the zoning of the Agriculture land on these three properties. The properties include:</p> <p>PID 5960967, 207 Marion Bay Road which has a land area of 4331m2 PID 7723834, 211 Marion Bay Road which has a land area of 4208m2 PID 7723826, 215 Marion Bay Road, which has a land area of 10,077m2.</p> <p>All three titles are in residential use but are located in an agricultural district. Note that this representation raises similar issues to that raised in representation #17. The representor argues that the agricultural zone is inappropriate given current and historical land use, the size of the titles, their adjacency, the land capability and broader capacity to support viable agriculture. They argue that the agricultural zone applied to these properties is inconsistent with the s8A Guideline issued by the TPC. They argue that the Agriculture zone is inappropriate as the land is identified as being potentially constrained under the Land Potentially Suitable for Agriculture Zone.</p>

They further argue that the Scenic Protection Overlay (SOR-C8.1.13) should not be applied to two of the three titles. They argue that the overlay is applied inconsistently and that the development on this site will be disadvantaged by the application of this overlay.



Figure 60 The three titles that are the subject of this representation on the corner of Bream Creek Road and Marion Bay Road.

Planning Authority Response

The three titles are surrounded by Agricultural zoning on all sides reflecting this area of the municipality as one of the more critical agricultural zones. It is acknowledged that the three properties reflect a historic pattern of development and are not in agricultural use. Nor are these three properties capable of being in agricultural use given their small size, and the fact that they are somewhat isolated from agricultural operations.

Criteria 1 Land Size	Two of the three titles are less than 1ha and one is only just over 1ha. All three titles are constrained.
Criteria 2	All three titles have capital value in excess of \$50K/ha. And are adjacent to titles that are the same. Constrained.

Adjoining uses	
Criteria 3 Adjoining residential zoning	Properties adjacent to the site are zoned Agriculture. However they are adjacent to properties that have a dwelling which does result in some constraint.
1	No formalised agricultural analysis has been completed for this property, however the properties are considered to be class 4 predominantly.
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land is used for residential purposes as are some of the adjoining land uses. Further afield the existing land use is for grazing. • Isolated from agricultural land – the individual titles are to some degree isolated from agricultural land. While they all share at least one boundary with a larger vacant title, these titles are in separate ownership • Current ownership. Each individual title is either 1ha or less. None of the titles are in the same ownership as some of the more substantial properties nearby. • Agricultural potential – the size of the site is not viable for any agricultural operations. • Localised strategic mapping. No localised strategic mapping has been undertaken for this site. <p>This analysis suggests the site is constrained.</p>
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
5	Titles may be split zoned – this is not considered appropriate for this site given the small lot sizes and the lack of agricultural viability for any of them.
6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. The sites have no potential for agricultural use in relation to clause (e).
7	The land is identified as being constrained under the statewide mapping and this is agreed with.
Fundamentally the small lot sizes inhibit these properties being utilised for agricultural purposes.	

	In relation to concerns regarding the Scenic Protection Overlay, this overlay currently applies under the Sorell Interim Planning Scheme 2015. As directed, the overlay represents a direct translation from the current Interim Scheme. The values referenced within this overlay include protection of the rural landscape, particularly along skylines. No specific strategic analysis has been undertaken in relation to this site and the Scenic Protection Overlay. To that end, to remove the application of this overlay would represent a strategic change that currently can not be supported by independent analysis.
Recommended Action	No change to the Scenic Protection Overlay. That CT 240667/1, CT 159970/1 and CT 44268/1 be zoned Rural. <i>This assessment was reviewed by RMCG Agricultural Consultants who endorsed this approach.</i>
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 46</i>	Gwen Egg, Jack Flats
Matters raised in representation	Concerned that Jacks Flats is proposed to be zoned Open Space. Believes it should be zoned Environmental Management, consistent with China Creek which is adjacent to the site. The Jacks Flat reserve has been rehabilitated by community groups in conjunction with China Creek adjacent and to ensure consistent management of these two areas, they should be zoned consistently.

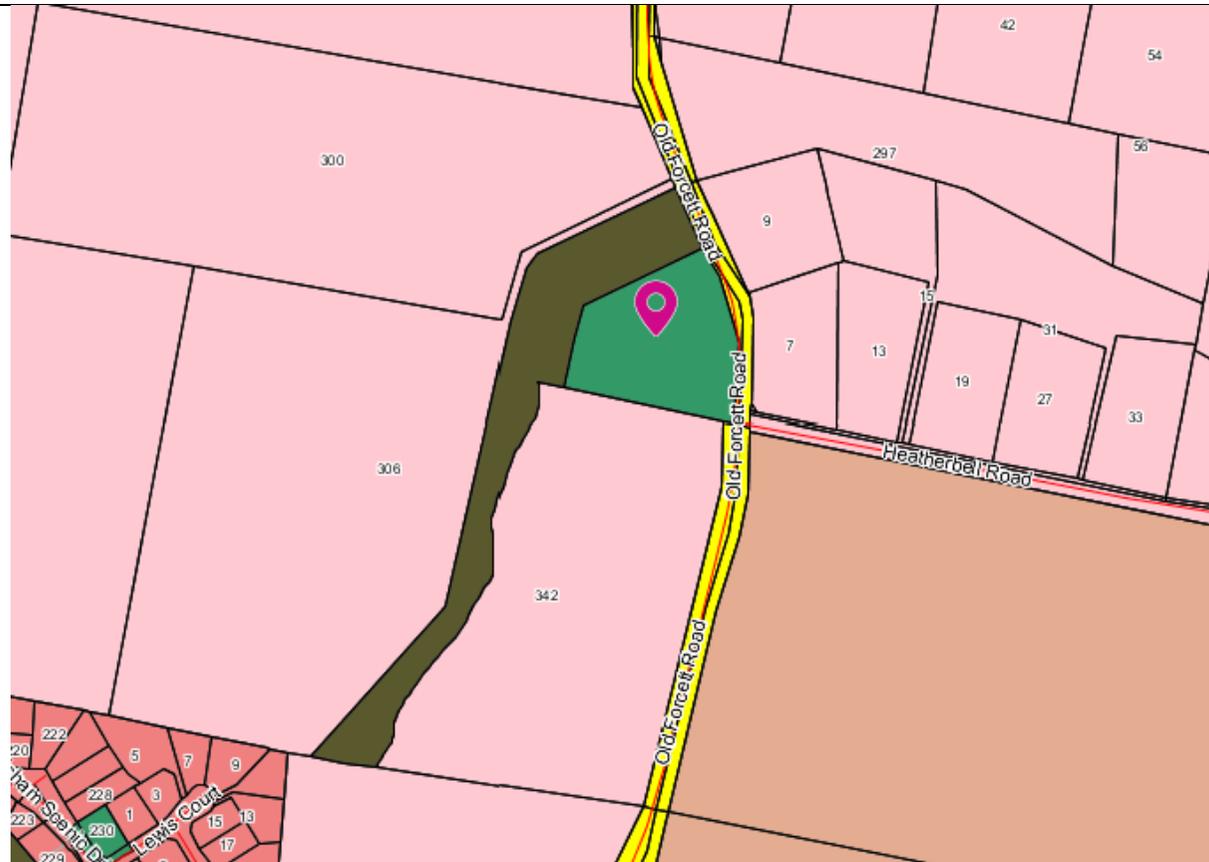


Figure 61: The subject site highlighted, with the zoning map showing China Creek zoned Environmental Management.

Planning Authority
Response

The site is part of Council’s open space network, representing a native habitat community park. It was recognised within Sorell Councils Open Space strategy as Nature area. The purpose of the Open Space zone is to provide land for open space including passive recreation and natural or landscape amenity; and to provide for use and development that supports the use of the land for open space purpose. Particularly this zone should be applied to land that provides for the open space needs of the community. It should not be applied to land with significant natural values. Conversely the purpose of the Environmental Management Zone is to provide for the protection, conservation and management of land with significant

	<p>ecological, scientific, cultural or scenic value; or to allow for compatible use or development where it is consistent with the protection, conservation and management of the values of the land, or applicable reserved land management objectives. The application of the EMZ is limited to certain circumstances but does include applying to public land where the primary purpose is for the protection and conservation of such values. The critical issue in the instance of Jacks Flat is the existence of critical natural values or otherwise. Notwithstanding the local communities rehabilitation of different areas, the site does not include any threatened vegetation species, nor is it necessarily identified as critical habitat. The site has been identified as part of the Open Space network for the Council, and as a nature reserve within that network. To that end, the attributes that the community value in relation to the site are recognised, and to a degree protected. It is not considered that the site warrants the application of the Environmental Management Zone.</p>
Recommended Action	That the Open Space Zone remain.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 47</i>	James Jacobson, 382 Shark Point Road
Matters raised in representation	<p>This representation raises the same issues as representation # 43. The representor wants to rezone the land to Rural Living. Reasons include all of the lot sizes are under the 40ha minimum, they are not sufficiently large enough to enable a viable agricultural operation, there is no buffer zoned provided between the residential densities to the south of Shark Point Road and the rural land, there is Rural Living land nearby, and the area has the usual services including sealed roads, power, reticulated water and garbage collection.</p> <p>This proposal has been before Council and the TPC before, including in 2017 where it was refused.</p>



Figure 62: The subject property highlighted.

Planning Authority
Response

It is noted that there is considerable history regarding this project and other rezonings along Shark Point Road. This does not however influence the assessment required to be undertaken.

Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) the rezoning application was refused. The grounds for refusal at that time were:

1. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the Land USE Planning and Approvals Act 1993; and

	<p>2. The draft amendment does not further objective 1(b) of Schedule 1 of the Land Use Planning and Approvals Act 1993 to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1.</p> <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. Rezoning this land would result in a significant increase in lot numbers and is not considered to meet requirement of SRD 1.3 (c)(ii) which requires only limited subdivision potential. The issue in relation to the sand mine is less critical given the separation from the area requested to be rezoned, and the mine location. However issues around the sewage treatment plant remain, the lagoon system at Midway Point is a Facultative lagoon, designed for dry weather flow of 5,500 to 20,000KL/day. It requires a 700m attenuation distance. It is acknowledged that a number of existing houses both in Midway Point and Penna are within the attenuation distance. However this attenuation requirement remains under the LPS. Further to these issues already identified, a further constraint on development in this area has been identified associated with high landslip risk (see representation 9 for further details). This highlights the need to limit the amount of residential development in the area, without the services.</p>
Recommended Action	No change to the zoning.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 48</i>	Daimon Wiggins, 404 Shark Point Road
Matters raised in representation	<p>Reasons include all of the lot sizes are under the 40ha minimum, they are not sufficiently large enough to enable a viable agricultural operation, there is no buffer zoned provided between the residential densities to the south of Shark Point Road and the rural land, there is Rural Living land nearby, and the area has the usual services including sealed roads, power, reticulated water and garbage collection.</p> <p>This proposal has been before Council and the TPC before, including in 2017 where it was refused.</p> <p>The representor raises concerns regarding inequitable treatment as other rezonings have occurred, and he has had previous support from Ministerial advisors and the previous Executive Commissioner. Representor is of the belief that the rezoning</p>

would meet the requirements under STRLUS, this is particularly the case given that the rezoning now has been limited to a smaller number of lots.



Figure 63: The subject property highlighted.

Planning Authority Response

It is noted that there is considerable history regarding this project and other rezonings along Shark Point Road. This does not however influence the assessment required to be undertaken.

Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) the rezoning application was refused. The grounds for refusal at that time were:

1. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the Land USE Planning and Approvals Act 1993; and

	<p>2. The draft amendment does not further objective 1(b) of Schedule 1 of the Land Use Planning and Approvals Act 1993 to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1.</p> <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. Rezoning this land would result in a significant increase in lot numbers and is not considered to meet requirement of SRD 1.3 (c)(ii) which requires only limited subdivision potential. The issue in relation to the sand mine is less critical given the separation from the area requested to be rezoned, and the mine location. However issues around the sewage treatment plant remain, the lagoon system at Midway Point is a Facultative lagoon, designed for dry weather flow of 5,500 to 20,000KL/day. It requires a 700m attenuation distance. It is acknowledged that a number of existing houses both in Midway Point and Penna are within the attenuation distance. However this attenuation requirement remains under the LPS. Further to these issues already identified, a further constraint on development in this area has been identified associated with high landslip risk (see representation 9 for further details). This highlights the need to limit the amount of residential development in the area, without the services.</p>
Recommended Action	No change to the zoning.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 49</i>	Tony Buissink, 356 Shark Point Road
Matters raised in representation	<p>This representation raises the same issues as representation # 43. The representor wants to rezone the land to Rural Living.</p> <p>Reasons include all of the lot sizes are under the 40ha minimum, they are not sufficiently large enough to enable a viable agricultural operation, there is no buffer zoned provided between the residential densities to the south of Shark Point Road and the rural land, there is Rural Living land nearby, and the area has the usual services including sealed roads, power, reticulated water and garbage collection.</p> <p>This proposal has been before Council and the TPC before, including in 2017 where it was refused.</p>



Figure 64: The subject site at 356 Shark Point Road highlighted.

Planning Authority
Response

It is noted that there is considerable history regarding this project, with advice given to the representor from a number of government officials. This does not however influence the assessment required to be undertaken.

Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) the rezoning application was refused. The grounds for refusal at that time were:

	<ol style="list-style-type: none"> 1. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the Land Use Planning and Approvals Act 1993; and 2. The draft amendment does not further objective 1(b) of Schedule 1 of the Land Use Planning and Approvals Act 1993 to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1. <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. The rezoning would still result in a significant increase in lot numbers and in my view is not considered to meet requirement of SRD 1.3 (c)(ii) which requires only limited subdivision potential. The issue in relation to the sand mine is less critical given the separation from the area requested to be rezoned, and the mine location. However issues around the sewage treatment plant remain, the lagoon system at Midway Point is a Facultative lagoon, designed for dry weather flow of 5,500 to 20,000KL/day. It requires a 700m attenuation distance. It is acknowledged that a number of existing houses both in Midway Point and Penna are within the attenuation distance. However this attenuation requirement remains under the LPS. Further to these issues already identified, a further constraint on development in this area has been identified associated with high landslip risk (see representation 9 for further details). This highlights the need to limit the amount of residential development in the area, without the services.</p>
Recommended Action	No change to the zoning.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 50</i>	Trent Henderson, on behalf of Wayne Newitt at Nugent Road, Wattle Hill (PID 7410440)
Matters raised in representation	The representor raises concerns regarding the application of the Agriculture zone to this property. The basis for their arguments are that the lot size is too small to support a viable agricultural operation (currently at 16ha). In addition the

representation included an analysis from a soil scientist who determined that the land capability was class 5 and 6. The site does not have access to irrigation and part of the site has previously been used for a quarry.

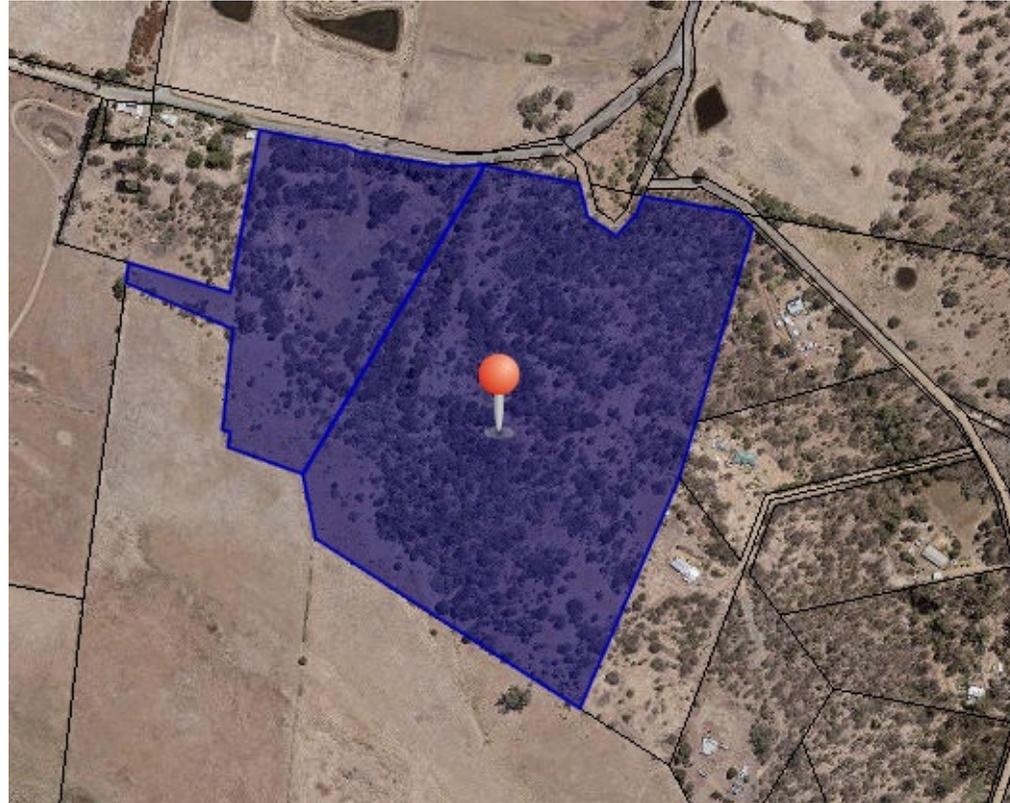


Figure 65: The subject sites highlighted.

Planning Authority
Response

The two titles are to the west of an established Rural Living area at the corner of Nugent Road and Delmore Road. Approximately half the property is covered in *Eucalyptus globulus* dry forest and woodland.

Criteria 1 Land Size	There are two titles and their combined land area is 16ha. Constrained.
Criteria 2	Neither titles are developed therefore the capital value is less than \$50K/ha.

	Adjoining uses	
	Criteria 3 Adjoining residential zoning	Properties adjacent to the site are zoned Agriculture. However there are a number of Rural residential properties to the south east adjacent to the titles.
	1	A soil assessment has been completed for this site which determined that the soil is class 5 and 6, with some of the site being used as a quarry so unsuitable to agriculture.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the land is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is vacant and predominantly bushland except for the old quarry. Adjoining sites are rural residential, with houses to both the east and west. Isolated from agricultural land – the individual titles are to some degree isolated from agricultural land. While there is some agricultural land to the south, it is constrained by the location of the road and the housing nearby. Current ownership. The combined area of the titles is 16ha. The landowner does own some property nearby but those lots are spatially separated from these titles. Agricultural potential – the size of the site without irrigation is less viable for agricultural operations. Localised strategic mapping. High level strategic mapping has been completed for this site which has determined that it is constrained.
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site is over two titles neither of which are large.
	6	The site has not been identified for an alternative zoning. Clause (b) and (d) are not considered relevant for this application. Clause (c) is relevant as the site is more than 50% covered in a

		threatened vegetation community. The sites have limited potential for agricultural use in relation to clause (e).	
	7	The land is identified as being unconstrained under the statewide mapping.	
	The most critical issues with these lots are the relatively small lot size, the proximity to rural living properties to the south east and west, and the threatened vegetation community onsite. The representor argues for the site to be zoned Rural Living however this is considered inappropriate given the sites relatively remote location, and the inconsistency with STRLUS and in particular SRD 1.3 (a).		
Recommended Action	<p>The LPS should be modified in the following manner: CT 30406/10 and 250516/1 should be zoned Rural.</p> <p>In addition, the draft LPS should be modified as a whole in the following manner:</p> <ul style="list-style-type: none"> • The following CTs should also be zoned Rural; 30406/1, 30406/2, 30406/3, 30406/4, 181361/1, 181361/2, 30406/7, 30406/8. • To provide a level of protection for the Threatened Vegetation community the Priority Vegetation Overlay should be applied to the following CTs 30406/1, 30406/2, 30406/3, 30406/4, 181361/1, 181361/2, 30406/7, 30406/8, 30406/10 and 250516/1. 		
Effect of recommendation on draft LPS	<ul style="list-style-type: none"> • Beyond the sites identified, there is no effect on the draft LPS. 		

<i>Representation No 51</i>	Leigh Burgess, 188 Arthur Highway, CT 123492/1
Matters raised in representation	The representor has raised concerns in relation to the application of the Agricultural zone to this site. The representor argues that the site is adjacent to a General Residential and a Low Density Residential area, and that the agriculture zone in this regard is inappropriate.



Figure 66 The subject property highlighted. Note the General Residential land to the south and Rural Living land to the west.

Planning Authority
Response

The site is off Nugent Road and is bordered on the north west, north and east by land zoned Agriculture. To the west the land is zoned Rural Living and to the south, General Residential.

The representation was not supported by an Agricultural assessment. However statewide mapping shows that the land has class 4 capability and the site is within the Irrigation district.

Criteria 1

The title is 13 ha in area therefore is determine as unconstrained.

	Land Size	
	Criteria 2 Adjoining uses	The title is not developed therefore the capital value is less than \$50K/ha. Unconstrained.
	Criteria 3 Adjoining residential zoning	Properties adjacent to the site are zoned Agriculture. However there are a number of Rural residential properties to the south east adjacent to the titles.
1		There has not been any detailed analysis of this site and its land capability although statewide mapping identifies it as being class 4.
2		Land within the Significant Ag zone should be zoned Agriculture. This applies as the site is currently zoned Significant Agriculture.
3		<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is vacant and is in a form of agriculture (grazing most likely). Land to the south is zoned General Residential and is currently being subdivided to standard residential densities. To the west the land is zoned Rural Living and has already been developed Isolated from agricultural land – the individual title is adjacent to agricultural land to the north which is being used for grazing or cropping. Current ownership. The title is 13ha and is not associated with other titles in the area. It is plausible that the title could be used for agricultural purposes with the land to the north. Agricultural potential – the size of the site is a limiting factor however the provision of irrigation to the site increases its useability and capability. It is noted however that the expansion of the General Residential zone directly to the south of the site, could result in conflicts between uses once houses are built there. There would be no way of providing adequate separation between houses and agricultural operations including irrigation and application of fertilisers or similar. In addition, agricultural operations can result in dust, noise and smell, which can result in complaints from residential properties. Localised strategic mapping. High level strategic mapping has been completed for this site which has determined that it is only constrained by adjoining land uses.

	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – this is not considered appropriate for this site as the entire site is capable of irrigation and is class 4 land.
	6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. The sites have limited potential for agricultural use in relation to clause (e).
	7	The land is identified as being unconstrained under the statewide mapping.
	<p>The site is class 4 agricultural land, and is able to be irrigated, being in the south east irrigation district. However the site is also adjacent to land zoned and currently being developed as General Residential. For grazing land, a separation of 50m is required to individual dwellings and residential areas. For higher value crops that utilise irrigation such as some crops, vegetables, berries, orchard fruits and vines, nurseries and cut flowers, a separation distance of 200m is required from individual dwellings, and 300m from residential areas. If this was applied to the site, then there would be a very small area, in the vicinity of 3-4ha, that would be unconstrained. Consideration should be given to alternative zonings.</p> <p>The site is located outside of the urban growth boundary despite its location adjacent to the township of Sorell. To that end, the application of the General Residential zone is likely to be considered inconsistent with the STRLUS. Similarly, the application of the LDR or Rural Living zone is likely to be considered inconsistent.</p>	
Recommended Action	<p>To ensure the appropriate zoning is applied to this site, advice was sought from RMCG Agricultural Consultants who advised the following:</p> <p><i>It should remain in the Ag Zone. It is under the same ownership as nearby land to the east and also land associated with rep 39. The Tas Irrigation pipeline passes near to this title's boundary and through the owner's land to the east, so they are likely to have access to water.</i></p> <p><i>Similar sized lots to the north are also proposed for Ag zone, which I think is correct, as they are in the irrigation district and appear to be utilised for irrigated agricultural uses.</i></p>	

Effect of recommendation on draft LPS	There is no effect on the draft LPS.
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<i>Representation No 52</i>	Peter Simmonds and Susan Thomas, Boland Developments, Primrose Sands Road, PID 3334858 and Lot 501 Primrose Sands Road.
Matters raised in representation	The representor highlighted concerns regarding the fact that the land at PID 3334858 used to be zoned Unserviced Residential, and that they were progressing an 80 lot subdivision in 1992. Since then there was a moratorium on development in the southern beaches area, and the land was backzoned to Rural Living in 2015. The concern is that this parcel of land is surrounded by blocks that are residential in size (around 700m ²). Nearby other lots have been subdivided to 1ha minimums, demonstrating a need for this land. Concerned about the RLUS and how this impacts upon the property particularly around infill development targets and the fact that this represents infill of a different variety. It should be zoned LDR to allow for a 1500m ² lot size which provides for adequate space for stormwater and onsite wastewater.

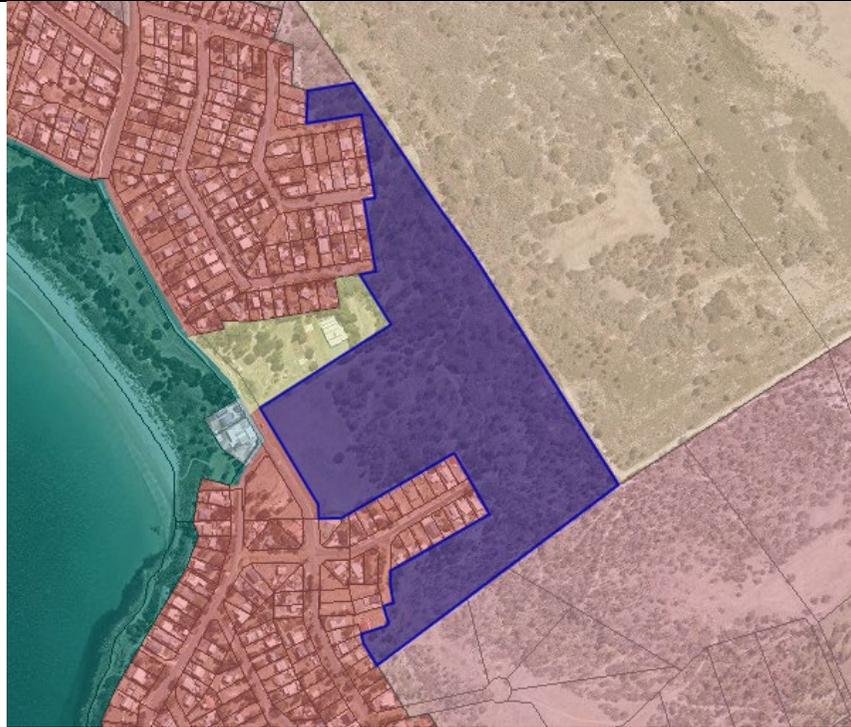


Figure 67L The subject site at Primrose Sands Road highlighted.

Lot 501 Primrose Sands Rd is just under 3ha with two zonings, Rural Living 2ha minimum for the elevated section, and Environmental Management for the Lagoon area. The representor argues that this should also be zoned Low Density Residential.



Figure 68: The subject site at Lot 501 Primrose Sands Rd highlighted.

Planning Authority Response

Any change in zoning in this instance must be considered against the Southern Tasmanian Regional Land Use Strategy (STRLUS). Of particular relevance, is the circumstances in which land is zoned Low Density Residential. SRD 1.6 specifies that LDR as a zone is only used where it is necessary to manage land constraints in settlements or to acknowledge existing areas. Neither of these lots are considered to be existing LDR areas so this is not relevant. In terms of land constraints, the most relevant issues are around servicing these areas. Primrose Sands is identified as a Dormitory suburb with very low consolidated growth scenario. This means that no new potential dwellings except single dwellings on existing lots or where there is existing LDR subdivision potential. The consolidation scenario indicates that growth should be predominantly from infill development of existing subdivided lots, or subdivision of existing zoned lots. These situations do not apply in this

	circumstance. To that end, the strategy does not support the rezoning of these parcels of land either partially or fully, to Low Density Residential.
Recommended Action	No change.
Effect of recommendation on draft LPS	There is no effect on the draft LPS.

<i>Representation No 53</i>	Trent Henderson, on behalf of Jacinta Young, Carlton River Road, PID 3416730; and 297 Primrose Sands Road, PID 9648106
Matters raised in representation	<p>Concerns raised about the application of the Agriculture Zone to two separate groups of Titles; two titles at Carlton River, and 6 titles at Primrose Sands.</p> <p>All of these titles are zoned Agriculture. The representation was supported by a planning analysis and an agricultural land analysis.</p> <p>The titles at Carlton River are found to be class 5 and 6 and are considered only marginally suitable for cropping or grazing. The sites are subject to dog attacks and is constrained by the surrounding land uses, including residential. The land area for these titles is just under 80ha. These titles do not have access to irrigation water supplies. The representor argues that these lots should be zoned Rural.</p> <p>The titles at Primrose Sands have a total land area of approximately 658ha. The land is classified as class 5 and 6, does not have access to water, and has had a subdivision approved, which is being implemented in stages, to subdivide all of the land into 40ha lots. The representor has separated these titles into parcels A, B and C. Parcel A includes the majority of the land holding, with Parcel B and C smaller titles adjacent to Connellys Marsh. This is depicted in Figure 70 below.</p> <p>The representor argues that Parcel A land should be zoned Rural, with Parcel B and C parcels zoned Low Density Residential, consistent with the zoning of Connellys Marsh.</p>

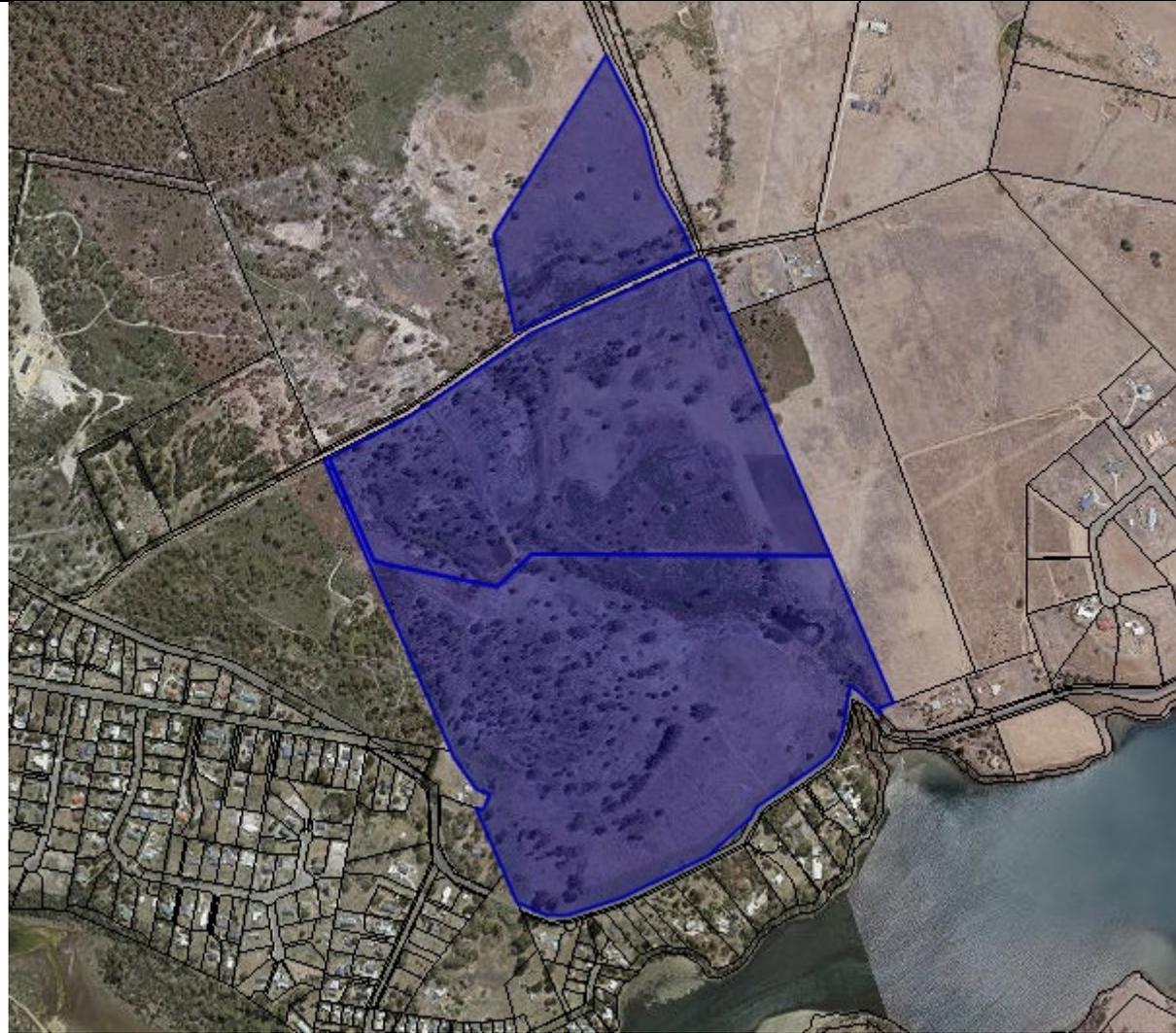
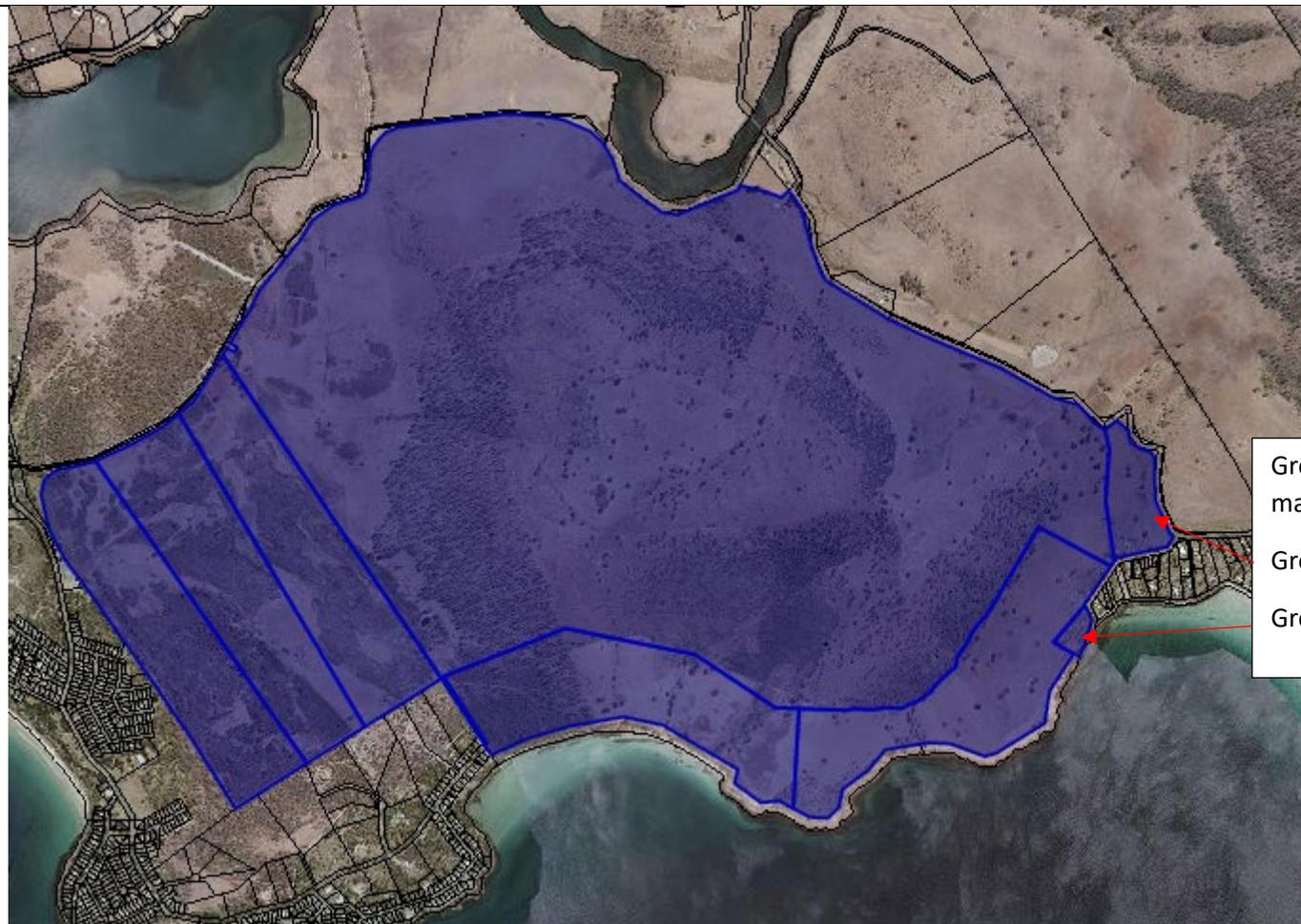


Figure 69 The titles within the land at Carlton River.



Group A Lots – the vast majority
 Group B lot – CT 1742410/5
 Group C lot – CT 210947/1

Figure 70 The titles that form part of the land at Primrose Sands. Note the separation of groups A, B and C.

Planning Authority Response

The land holdings can in effect be separated into two assessments given the physical separation of the lots.
Carlton River land

Criteria 1	The property is 80ha in total, split into two 40ha lots. Unconstrained.
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	Land Size	
	Criteria 2 Adjoining uses	The titles are not developed therefore the capital value is less than \$50K/ha. Unconstrained.
	Criteria 3 Adjoining residential zoning	Properties adjacent to the site are zoned Agriculture, Rural with some zoned Low Density Residential and one site zoned Utilities.
	1	The representation was accompanied with an agricultural analysis which has determined the site as having class 5 and 6 land with some class 4.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is vacant and is in a form of agriculture (grazing most likely). Land to the south is zoned Low Density Residential and is developed. To the north and east the land is zoned Agriculture but is used for hobby farms. To the west where the land is zoned Utilities, there is a telephone tower. Isolated from agricultural land – the individual title is adjacent to agricultural land to the north and east. Current ownership. The property is in two titles, with a total area of 80ha. It is plausible that the title could be used for agricultural purposes with the land to the north and east. Agricultural potential – The size of the land is not a limiting factor in terms of agricultural potential. The quality of the land and the lack of access to water however significantly limit how the site can be used. While there are some nearby residential properties, they are separated from the site via a road, therefore this impact is less significant. Localised strategic mapping. High level strategic mapping has been completed for this site which has determined that the most significant constraints are soil quality, proximity to other non agricultural uses, and lack of water. 	
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.	

5	Titles may be split zoned – this is not considered appropriate for this site as the site is separated into two titles, and has the same qualities.
6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. The sites have limited potential for agricultural use in relation to clause (e).
7	The land is identified as being unconstrained under the statewide mapping.

Primrose Sands Land

Notwithstanding the argument of the land holder, that the various lots should be considered separately; the lots will be considered as a whole as it would have the potential to operate as a single property.

Criteria 1 Land Size	The combined land area of the titles is 530ha which is considered unconstrained.
Criteria 2 Adjoining uses	The titles are not developed therefore the capital value is less than \$50K/ha. Unconstrained.
Criteria 3 Adjoining residential zoning	Given the large land area involved, properties adjacent to the site are zoned variously Low Density Residential, Rural Living, Rural and Agriculture. This means that some lots are constrained.

1	There has been a detailed analysis of the site which has determined that the land is considered to be class 5 and 6 ag land, with a small amount that is class 4.
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
3	Considerations against potentially constrained Titles. Should be considered having regard to: <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is vacant and is in a form of agriculture (grazing most likely). Land to the south west is zoned Rural Living and Low Density Residential and many of these lots are developed with housing. Land to the south east is zoned Low Density Residential and again is developed for housing. To the north and north east, the land is in dryland grazing.

		<ul style="list-style-type: none"> • Isolated from agricultural land – The titles are not isolated from agricultural land to the north and north east. • Current ownership. The total land area of the titles is 530ha in a single ownership. It is noted that this land has been subdivided into 40ha lots which are being developed in a staged fashion for sale. • Agricultural potential – The site is substantial so land size does not impact upon the viability of the land. The site does not have access to irrigation water, and is considered to be class 5 and 6 so it is not highly viable land. The site is constrained by the proximity to residential uses around its edges. • Localised strategic mapping. High level strategic mapping has been completed for this site which has determined it is not good quality agricultural land 	
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.	
	5	Titles may be split zoned – on a whole of property basis there may be some rationale for split zoning the land but not on a title basis as there are very few differences in terms of land capability.	
	6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. The sites have limited potential for agricultural use in relation to clause (e).	
	7	The land is identified predominantly as unconstrained, although the smaller two lots, group B and C, are identified as constrained.	
<p>In relation to these two properties, it is agreed that their agricultural viability is limited due to poor soil quality, lack of access to water, and in the case of Primrose Sands, the likelihood of the subdivision which remains valid, being acted upon and the property being separated into multiple parcels of land.</p> <p>The representor argues that the smaller titles (Parcel B and C) should be zoned Low Density Residential. This requires consideration under the STRLUS and in particular SRD 1.6. This enables the use of the LDR zone in existing settlements. The lots in question are adjacent to Connelly’s Marsh which is an existing LDR settlement. Parcel C has a land area of 1.2ha which could provide for a further 3 lots under the LDR zoning. This title also has a dwelling located on it.</p> <p>Parcel B has a land area of just under 8ha. This could provide 20-25 lots under the LDR zoning. Certainly Parcel B if subdivided represents a significant increase in the number of lots in this area and without thorough strategic analysis should not be considered as part of this LPS process.</p>			

	<p>Parcel C represents a relatively modest increase in the number of lots. It is considered that this parcel is part of the Connelys Marsh settlement, and to that end could be zoned more appropriately as Low Density Residential.</p>
<p>Recommended Action</p>	<p>To ensure adequate consideration is given to the application of zonings, advice was sought from RMCG Agricultural Consulting. They advised the following:</p> <p><i>Our opinion is the large title should be retained in the Ag Zone. However, due to the approved subdivision, which according to the representation is still valid and shows dwelling locations on each lot, this land may need to go into the Rural Zone. This highlights the key issue with the 40ha lot provision in the Rural Resource Zone. As one large title, this had dryland grazing potential, however, now it's approved for subdivision, it loses this.</i></p> <p><i>This is why we are recommended the Ag Zone, where the agricultural land use might be spread across titles, but is clearly farmed as an ag enterprise. Application of the Ag zone avoids houses being established on these smaller titles. Once houses are established it substantially reduces the potential for the land to be farmed in conjunction to create sufficient scale for a viable dryland grazing enterprise. In our opinion subdividing larger dryland titles generally results in the creation of hobby farms and reduces the agricultural potential of the land.</i></p> <p><i>For CT 210947/1, it is out of our scope to consider residential zones, however, may be feasible. Through only considering Ag and Rural, it should be zoned the same as whatever the large title is zoned, to avoid spot zoning.</i></p> <p>In considering this advice the following recommendations are made:</p> <p>The Rural Zone extend over the properties at CT 169419/2 and CT 169419/3, and CT 172410/99, 172410/15, 172410/16, 172410/17, 172410/50. That the Low Density Residential zone be applied to CT 210947/1.</p>
<p>Effect of recommendation on draft LPS</p>	<p>Beyond the properties identified, there is no effect on the draft LPS.</p>

Representation No 54

Gwen Egg, Parnella Reserve

Matters raised in representation

The representor raises concerns with the application of the Open Space zone to this parcel of land in Dodges Ferry. This land is owned by Sorell Council, and is part of the broader open space network. The representor believes the land should be zoned Environmental Management and highlights the existence of two orchid species; The Sagg Spider Orchid which is listed as Critically Endangered, and the Tailed Spider Orchid which is listed as Vulnerable under Commonwealth Legislation.



Figure 71: The subject site highlighted

<p>Planning Authority Response</p>	<p>The site is on the corner of Parnella Road and Carlton Beach Road. The site is used as a thoroughfare more commonly but the local Landcare Group has also undertake rehabilitation works at the site. . The purpose of the Open Space zone is to provide land for open space including passive recreation and natural or landscape amenity; and to provide for use and development that supports the use of the land for open space purpose. Particularly this zone should be applied to land that provides for the open space needs of the community. It should not be applied to land with significant natural values. Conversely the purpose of the Environmental Management Zone is to provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; or to allow for compatible use or development where it is consistent with the protection, conservation and management of the values of the land, or applicable reserved land management objectives. The application of the EMZ is limited to certain circumstances but does include applying to public land where the primary purpose is for the protection and conservation of such values.</p> <p>The primary purpose of this land is for passive recreation, as has been identified within the Management Plan. It is acknowledged that evidence of threatened vegetation values exist at the site (specifically two orchid species), however the purpose of the reserve has not been specifically to protect these values. To that end, the Open Space zone is considered to be the most appropriate zoning for this site; while there are some important values, they do not dominate the site nor is it necessary to have these recognised through a different zoning.</p>
<p>Recommended Action</p>	<p>No change.</p>
<p>Effect of recommendation on draft LPS</p>	<p>There is no effect on the draft LPS.</p>

<p><i>Representation No 55</i></p>	<p>Patrick Carroll, Various State Growth sites.</p>
<p>Matters raised in representation</p>	<p>The representation raises concerns in relation to a number of sites which can be summarised below:</p> <p><i>Sorell Bypass</i></p>

This road corridor should be zoned utilities consistent with the Guideline No. 1 – Local Provisions schedule as it is classified as a State Road. It is of note that this road has been under construction since the LPS was drafted, and there is no longer a requirement to apply the Particular Purpose Zone.

Future Road Proclamation

The site to the south of the Tasman Highway, between the eastern end of the Sorell Bypass and the eastern causeway, has been proclaimed under the Roads and Jetties Act for a future road carriageway in this location. The corridor is approximately 75m in width, and should be protected by the Utilities zone or the Particular Purpose Zone 2 – Future Road.

Application of Road and Railway Attenuation Area.

The Council's approach to rely upon the written application of this Code, as opposed to the mapping, is supported.

Midway Point Park and Ride

As part of the new Midway Point intersection, there is a proposal to rezone the land to the north of the intersection, to provide for a Park and Ride at this site. This is further commented upon in representation #74. The intention is to zone this area as Utilities to reflect and accommodate the park and ride as an ancillary use to the road corridor.

Natural Assets Code

Concerned that the priority vegetation areas under the Natural Assets Code are applicable in some cases to the State Road Network. This should be reviewed to ensure that the overlay maps do not apply to state roads which are to be zoned Utilities.

Mineral Resources – Landslip

The property at 459 Shark Point road is known to MRT, however detailed reporting, modelling and mapping for this area has not yet been completed. Once it is there may be a need to update the statutory mapping.

Changes to the UGB

	<p>This is particularly relevant to Lot 2 Arthur Highway, 3 Kidbrook Road, 136 Arthur Highway, Lot 1 Arthur Highway and 188 Arthur Highway Sorell. The Department raises concerns in relation to this issue and the need for any rezoning of this scale to be consistent with broader metropolitan planning and updates to STRLUS.</p>
<p>Planning Authority Response</p>	<p>The rezoning to the Sorell Bypass request is noted, and supported. The Bypass was not constructed nor significantly progressed when the LPS was drafted however it was anticipated and therefore zoned Particular Purpose Zone 2 – Future Road Corridor. Given the corridor is well under construction, this should be modified to appropriately recognise the circumstances and zoned Utilities.</p> <p>The land to the south of the Tasman Highway, at 82 Tasman Highway, while it has been identified for a future road, at this stage it is unclear when those works will occur. To that end this would more appropriately be zoned Particular Purpose Zone 2 – Future Road.</p> <p>Further consideration of the Midway Point Park and Ride can be found in representation #74. However it is considered that rezoning this land to Utilities is appropriate and reflective of the future use at this site.</p> <p>Regarding the application of the priority vegetation overlay to State Roads; this will be an issue in relation to the new Sorell Bypass road corridor, in relation to the Arthur Highway immediately to the west of Iron Creek Bridge, and at the intersection of Valleyfield Road and Arthur Highway, and various sections of Arthur Highway as you travel south. It is further shown on the Tasman Highway to the north of Sorell. In considering the Zone and Code application guidelines, it does not specify that the priority vegetation overlay should not be applied to land zoned Utilities. It is noted however that this Code only requires consideration under Clause C7.6.2 where there is clearance of native vegetation within this area. For most road works projects there will not be clearance of native vegetation therefore the Code will not be triggered.</p> <p>In relation to the Mineral Resources – Landslip risk – it is noted that this issue has been raised in representation #9 and #11.</p> <p>In relation to the Changes of the UGB particularly in terms of the Eastern Growth Corridor, Council does not disagree that any change of this nature requires detailed consideration, however as Council is not a party to the Metropolitan plan, providing inputs or data into that process has not to date been possible. It is of note that by definition under STRLUS the vast majority of the development that has occurred within Sorell to date has been infill, with comparatively less greenfield. Fundamentally Sorell is experiencing a level of growth that far outstrips other municipal areas which reflects a range of inputs, not least of which is affordability. While the State Government’s position in relation to this is understood, it is not agreed with by Council.</p>

Recommended Action	<p>Rezone the road corridor at Sorell Bypass to Utilities.</p> <p>Rezone the land at 82 Tasman Highway which has been proclaimed a Road Corridor under the Roads and Jetties Act as Particular Purpose Zone 2 – Future Road Corridor.</p> <p>The properties at 179029/100, 82303/6, part of 199953/1 and 198549/1 as Utilities.</p>
Effect of recommendation on draft LPS	<p>Beyond the properties identified, there is no effect on the draft LPS.</p>

<i>Representation No 56</i>	Danielle Gray, on behalf of Noel Jackman at 2588 Tasman Highway, Sorell
Matters raised in representation	<p>Concerns about the application of the Agriculture zoning. IT is considered that the site, with a dwelling and flat, and a land capability of class 4 and 5, but particularly in close proximity to the General Residential zone, is not appropriate for the agriculture zoning.</p>

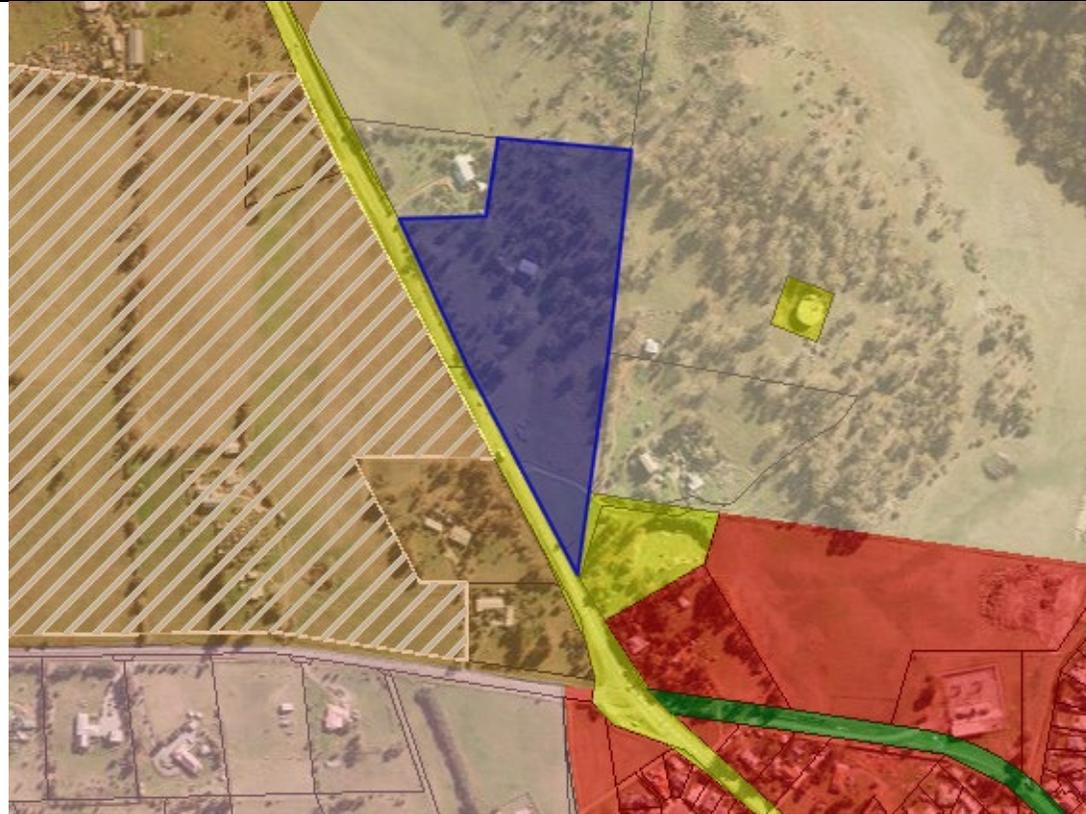


Figure 72 The subject property highlighted. Notable features nearby include the irrigation district across the Tasman Highway, and General Residential zoned land to the south.

Planning Authority
Response

The subject site is on the outskirts of Sorell as you head north. It is a lifestyle property, without any discernible agricultural operations occurring. It is further located adjacent to other lifestyle properties, and a utilities site which is in the ownership of the Department of State Growth.

Criteria 1
Land Size

The site is 4.4ha which is under the 10ha land size requirement. Constrained.

	Criteria 2 Adjoining uses	The title includes a dwelling and flat. This would result in the capital value exceeding the \$50K/ha. Constrained.
	Criteria 3 Adjoining residential zoning	The site is adjacent to a utilities zone, Agriculture zone but in close proximity to the General residential zone. Adjoining properties include dwellings. Constrained.
	1	There has not been a detailed analysis of the site however statewide mapping determines that the site is class 4 and 5 land.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land is developed for residential use, as are a number of the immediately adjacent properties. There may be some small scale grazing uses occurring nearby however the majority of the uses are residential. Isolated from agricultural land – The title is isolated from agricultural land. All surrounding properties are developed with residences except the title zoned utilities and are varying sizes. Current ownership. The title is not owned in conjunction with any other nearby agricultural properties. Agricultural potential – The site has limited agricultural potential. It is under 5ha in area, is already developed with a dwelling, has less than ideal land capability, and while the irrigation district is over the Tasman Highway, it is not considered financially viable to get access to water across the highway for a site this small. Localised strategic mapping. High level strategic mapping has been completed for this site which has determined it is not good quality agricultural land
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – Given the small lot size, it is not considered appropriate to split zone the titles.
	6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. The sites have limited potential for agricultural use in relation to clause (e).

	7	The land is identified predominantly potentially constrained.
	The property is on the outskirts of Sorell and is not in any agricultural use. It does not have direct access to irrigation supplies, nor is it high quality agricultural land. The site should not be zoned Agriculture.	
Recommended Action	<p>Rezone the land CT 7614/2 to Rural.</p> <p>In addition the draft LPS should be modified to, rezone the parcel of land at 6741/1 to Rural, as this title is not capable of being utilised for Agricultural purposes. <i>This consideration was reviewed by RMCG Agricultural Consulting and this recommendation was endorsed.</i></p>	
Effect of recommendation on draft LPS	<p>The LPS as a whole will be modified as a response to the above recommendation to</p> <p>Beyond the properties identified, there is no effect on the draft LPS.</p>	

<i>Representation No 57</i>	Chris Jacobson, "Myrtle Wood" 304 Bream Creek Road,	
Matters raised in representation	The representor raises concerns with the zoning of 304 Bream Creek Road as Agriculture. They argue that the diverse range of uses in the surrounding area does not work with the Agriculture zoning. Believes that the appropriate zoning is Rural.	

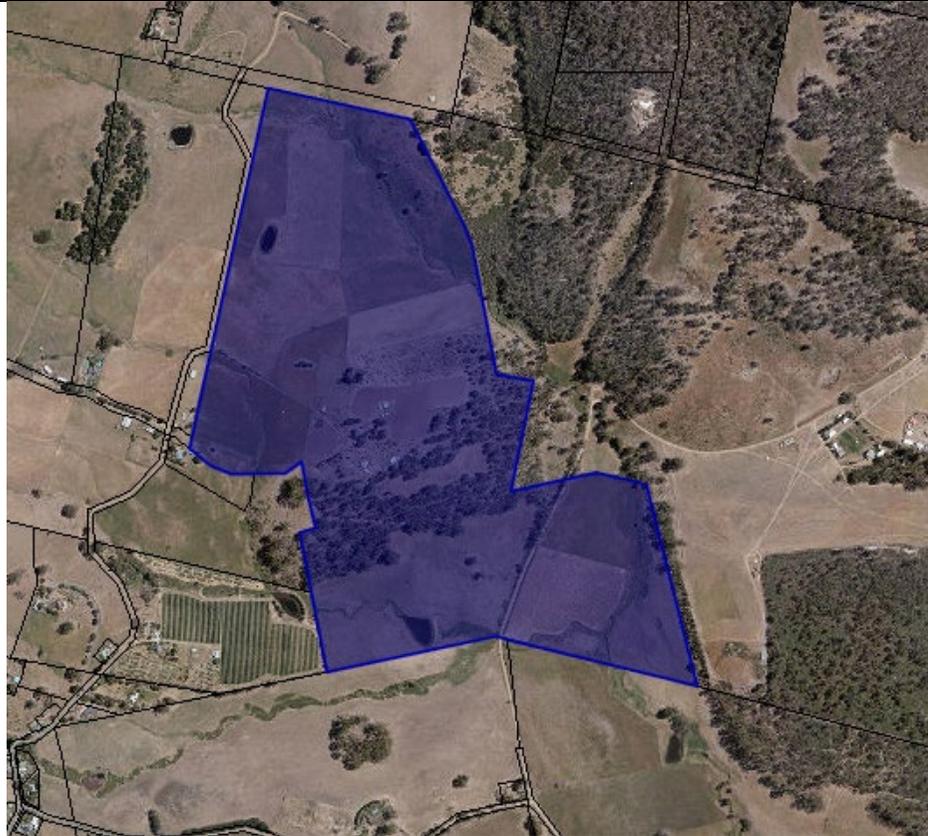


Figure 73: The subject site highlighted.

Planning Authority
Response

The subject site is located in the Bream Creek area and has a land area of approximately 62.8ha. The site is currently used for grazing and includes a residential use. The representation does not include an agronomist report therefore the statewide agricultural mapping will be relied upon. This determines that the site is classified as predominantly class 5 and 6, however there is an area to the north west which is classified as class 4, and an area to the south which is classified as class 4+3. The site does not have access to irrigation supplies.

Criteria 1

The site is 62.8ha which is of adequate size to be unconstrained.

	Land Size	
	Criteria 2 Adjoining uses	The title includes a dwelling and other outbuildings. It is considered unlikely that the capital value of the land would exceed \$50K/ha. Unconstrained
	Criteria 3 Adjoining residential zoning	The site is adjacent to Agriculture zone on all sides.
	1	There has not been a detailed analysis of the site however statewide mapping determines that the site is class 4, 5 and 6 land.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land is used for grazing and potentially some cropping. It also includes a house. • Isolated from agricultural land – The title is located amongst a number of other agricultural properties and to that end is not isolated. • Current ownership. The title is not owned in conjunction with any other nearby agricultural properties. • Agricultural potential – The site has varying levels of agricultural potential although it is noted that no specific analysis for this site has been provided. However it is of adequate size to provide for a range of agricultural uses, the land capability varies however includes class 4 land, and it is located in an area of established agricultural properties and activities, therefore the constraints associated with residential uses, is less. • Localised strategic mapping. High level strategic mapping has not been completed for this site.
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – This site does have areas that are more appropriate for agricultural use than other areas. Split zoning them based on land capability is a possibility.
	6	The site has not been identified for an alternative zoning. Clause (b)- (d) are not considered relevant for this application. The sites have limited potential for agricultural use in relation to clause (e).

	7	The land is identified predominantly potentially constrained.
	The representor argues that the variety of surrounding land uses means that it should be zoned Rural. It is agreed that the surrounding area includes a range of uses such as residential vineyards, grazing and forestry. These uses are all feasible in the Agriculture zone, therefore this does not support an argument to rezoning the property to Rural.	
Recommended Action	That the property remain zoned Agriculture. <i>This consideration was reviewed by RMCG Agricultural Consulting and the endorsed the recommendation.</i>	
Effect of recommendation on draft LPS	There will be no effect on the draft LPS.	

<i>Representation No 58</i>	Will Downie, 1930 Arthur Highway, Copping	
Matters raised in representation	<p>The representor argues that their property should not be zoned agriculture and should be zoned Rural. The representation is supported by an agronomists analysis. The property is across 4 titles which covers approximately 319ha. The dominant use is for sheep based pastoral use. There are large sections of native forest, bushland and plantation forestry covering 66% of the title. The majority of these titles are land capability class 5 and 6 with approximately 50ha considered to be class 4. The site does not have access to irrigation supplies.</p> <p>The Class 4 land is considered suitable for some cropping with limitations associated with soil depth, poor drainage and distance from markets.</p> <p>Pastoral land use activity is considered suitable on the class 4 land but there is limited scope to increase the stocking rate given the poor quality class 5 and 6 land, the low rainfall levels, private timber reserves and native vegetation forests.</p>	

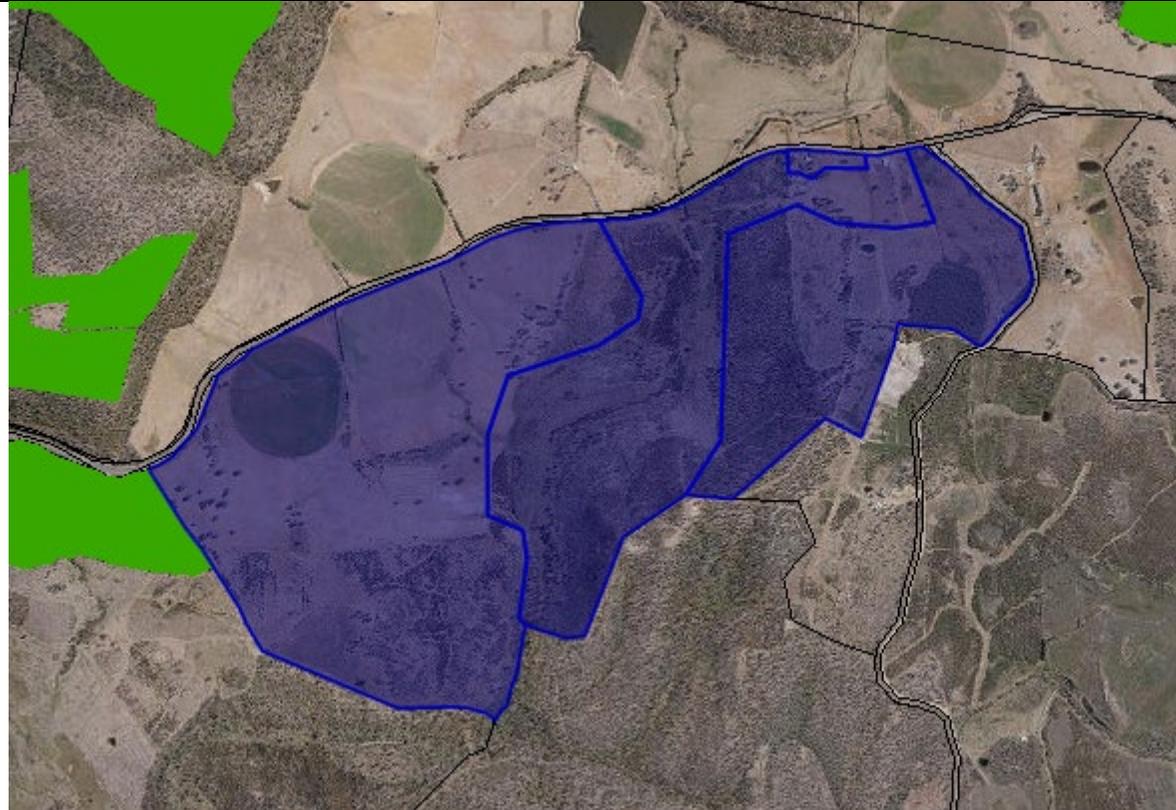


Figure 74 The subject property highlighted

Planning Authority
Response

It is agreed that the property has a range of land capability from Class 4 through to Class 6. It is further agreed that the site includes a private timber reserve to the south of the middle title, and a number of areas of threatened native vegetation (*Eucalyptus globulus* dry forest and woodland and *Eucalyptus ovata* forest and woodland).

Criteria 1
Land Size

The site is over 300ha which is of adequate size to be unconstrained.

Criteria 2 Adjoining uses	The smaller title includes a dwelling which may mean the capital value of that lot is more than \$50K/ha. However the remaining three titles have not been developed other than outbuildings and would have capital values of less than \$50K/ha.
Criteria 3 Adjoining residential zoning	The site is adjacent to Agriculture zone on all sides.
1	The site has had detailed analysis which has determined that the property is dominated by class 5 and 6 land, with a smaller area that is class 4.
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land is used for grazing, cropping, and forestry. The smaller title includes a dwelling. Surrounding properties are used for rural uses • Isolated from agricultural land – The title is located amongst a number of other agricultural properties and to that end is not isolated. • Current ownership. The titles are owned by the same landowner. • Agricultural potential – The site has varying levels of agricultural potential although. Part of the site is class 4 ag land and appears to have benefitted from the use of a pivot irrigator, maximising the agricultural potential. However further to the south and east, the land is a mixture of grazing land, forestry and native vegetation. • Localised strategic mapping. Strategic mapping and analysis has been undertaken by the agronomist
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer however sections of it have been left out including areas where the private timber reserve are, and where the threatened vegetation communities area.
5	Titles may be split zoned – This site does have areas that are more appropriate for agricultural use than other areas. In addition some areas should be afforded a level of protection such as the threatened vegetation communities which can only occur through the application of the Rural zone and then subsequently the priority vegetation overlay. Split zoning them based on land capability is a possibility.

	6	The site has not been identified for an alternative zoning. Clause (b) & (d) are not considered relevant for this application. Clause (c) is considered relevant given that there are a number of threatened vegetation communities on the property. The property has varying levels of potential for agricultural use in relation to clause (e).
	7	The land is identified predominantly potentially unconstrained.
	<p>The most critical issues for this site is the private timber reserve, the threatened vegetation communities, and the quality of the land in that area. Conversely there is an area that is higher quality agricultural land which would benefit from the protection of the Agricultural zoning. The agriculture report argues that the higher quality land is spread over multiple titles however it appears to be localised to 139601/1 which is the western most title. When a title has a mixture of higher quality and lesser quality agricultural land located on it, if more than 50% is higher quality land then it can be argued that the site in totality should be zoned agriculture. However if there are other constraints on site, it may be that the property would benefit from a split zoning.</p>	
Recommended Action	<p>The LPS should be modified to enable CT 139601/1 to be split zoned, with the Agriculture zone covering the class 4 land, and the remainder of the property zoned Rural.</p> <p>The LPS should be modified to enable CT 177871/1 and CT 169922/1 to be zoned Rural.</p> <p>The LPS to be modified to apply the priority vegetation overlay to the areas of threatened vegetation community.</p>	



Figure 75: The property could be split zoned in the following manner, with the northern section zoned Agriculture and the southern section zoned Rural.

Titles CT177871/1 and CT169922/1 should be zoned Rural in recognition of the lesser quality agricultural land, the existing of a private timber reserve, and the threatened vegetation communities located on site.

	<i>This assessment was reviewed by RMCG Agricultural Consultants who endorsed the recommendation.</i>
Effect of recommendation on draft LPS	Beyond the properties identified, there is no effect on the draft LPS.

<i>Representation No 59</i>	Odin Kelly, TasNetworks sites.
Matters raised in representation	<p>TasNetworks are a referral agency and have undertaken a review of the LPS taking particular note that the Electricity Transmission Infrastructure Protection Code (ETIPC) is appropriately applied. Consideration has also been given to the application of specific zones to infrastructure including the utilities zoning to existing substations and communication facilities; where the landscape conservation zone is applied in relation to existing electricity corridors, ensuring the priority vegetation overlay is not applied to part of a substation or communication site that is cleared of native vegetation; and considering the application of the Scenic Protection Areas under the Scenic Protection Code in relation to infrastructure.</p> <p>The review has raised the following concerns with the LPS as drafted:</p> <ul style="list-style-type: none"> • That the Sorell Substation and associated communication site should be zoned Utilities. The site at 65a Tasman Highway has been zoned General Residential. • That the Scenic Protection Overlay should not be applied to substations, or communication sites or electricity transmission corridors (ETC). There are two ETCs where the scenic protection overlay clashes with the ETC (as shown in light blue below).

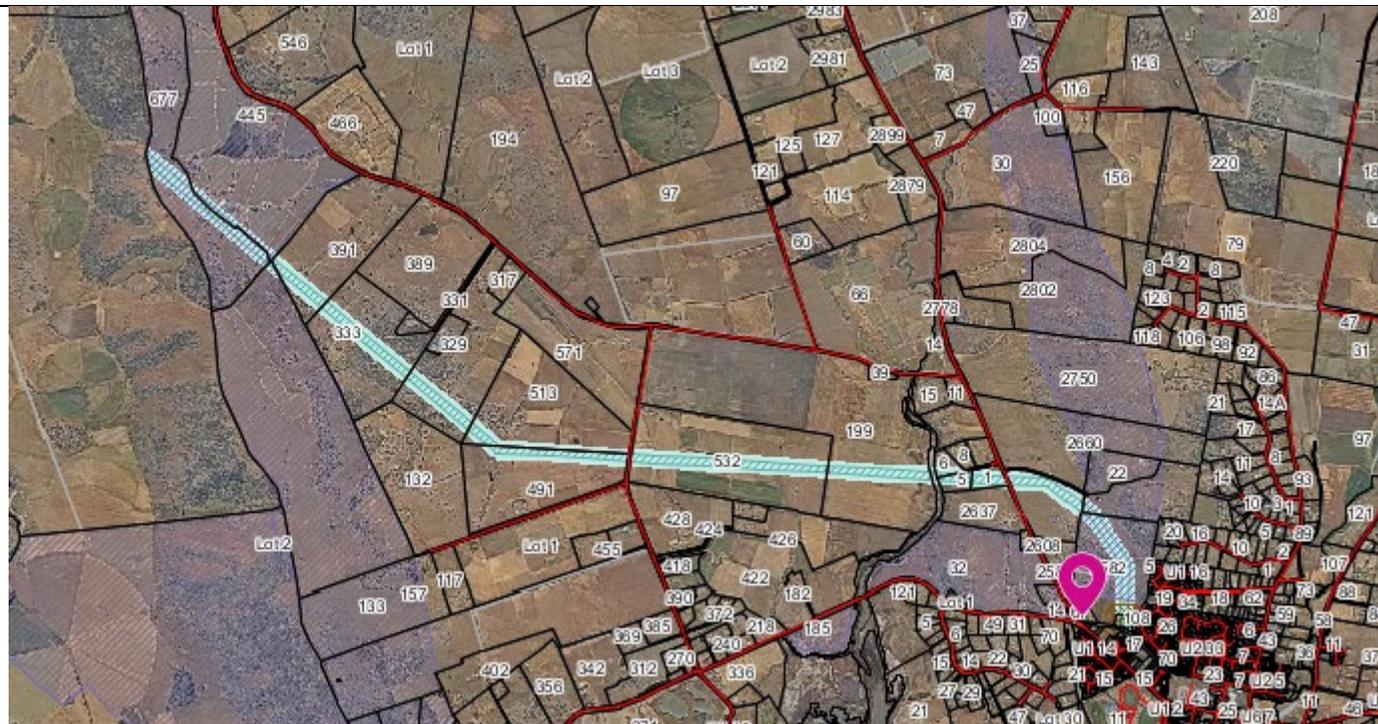


Figure 76 Map showing the intersection of Line 455 Lindisfarne – Sorell 110kV and the application of the Scenic Protection overlays.

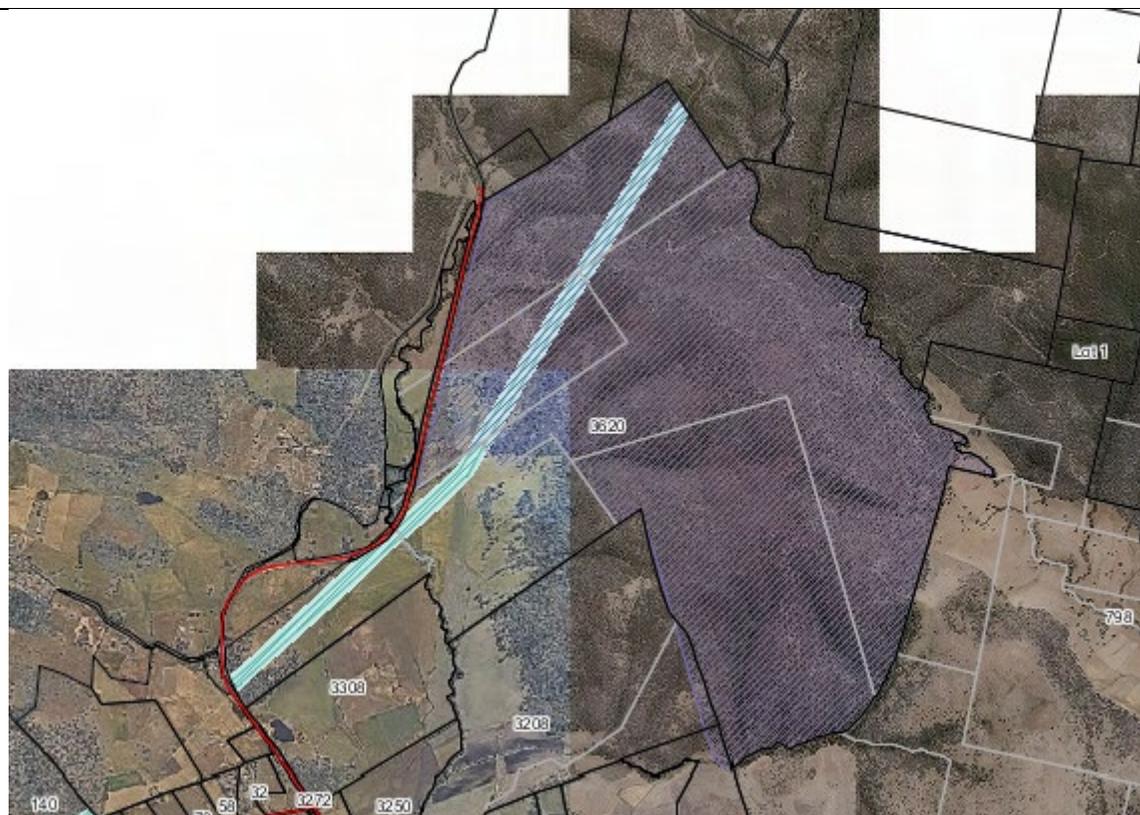


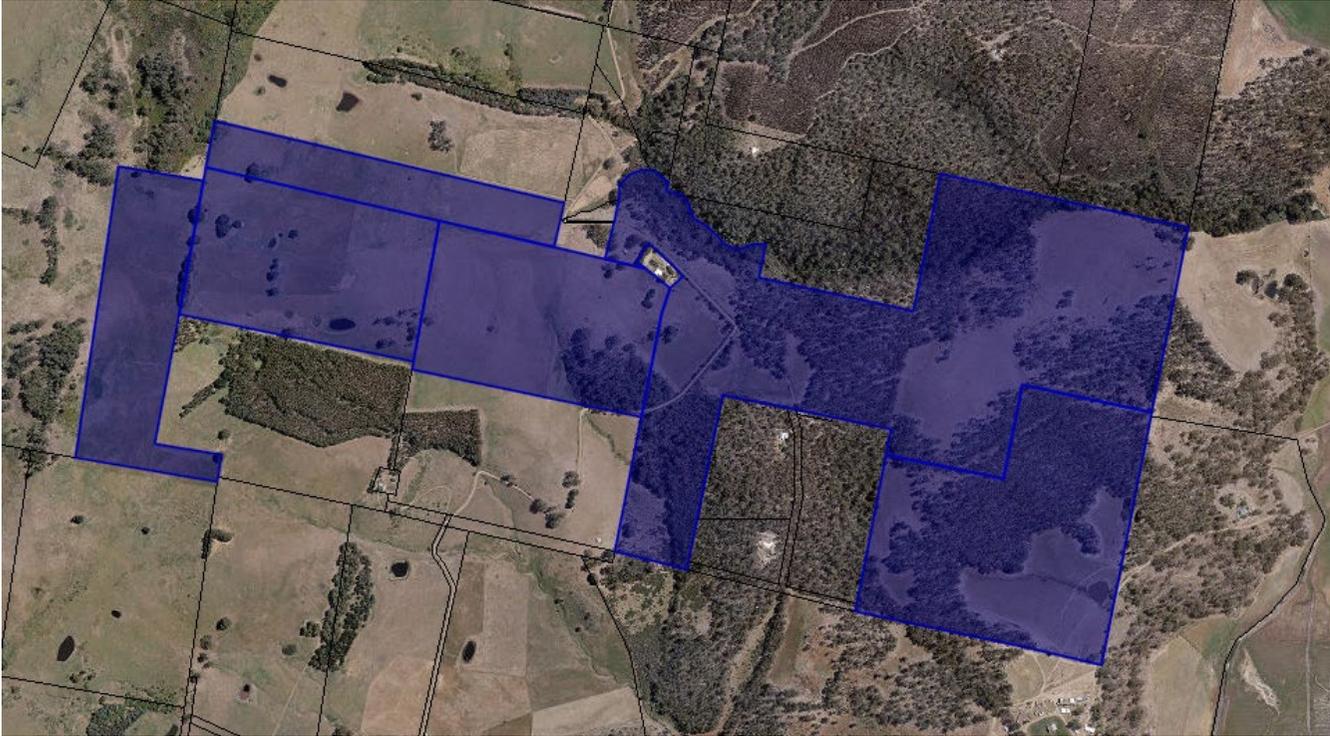
Figure 77: Map depicting the ETC Line 456 Triabunna Spur 110kV and the application of the Scenic Protection Area.

There are concerns that there are significant conflicts between the Code purpose of the Electricity Transmission Infrastructure Protection Code (ETIPC) and the Scenic Protection Code which could impact upon the provision and maintenance of electricity infrastructure.

The representation goes on to raise some concerns with the exemptions provisions within the SPPs however these can not be addressed through this process. It also notes that the Scenic Protection Code does not apply to sites in the Utilities zone. TasNetworks also notes the conflict between the Landscape Conservation Zone and the ETC. It is noted that in the case of the Sorell municipal area, there is no land zoned Landscape Conservation that is under the ETC as well.

A range of other concerns are raised in relation to the SPPs however these can not be addressed through this process.

<p>Planning Authority Response</p>	<p>It is acknowledged that the site at 65a Tasman Highway, as the Sorell Substation should be zoned Utilities and this is an error. For the most part the Council has applied the zones and code overlays consistent with TasNetworks requirements.</p> <p>While the Scenic Protection Code does not apply to Utilities sites, in the situation with ETCs, where the underlying zoning is often Agriculture, or Rural, then both the Codes can apply to sites. The Scenic Protection Areas include:</p> <ul style="list-style-type: none"> • Pontos Hill – Provides a key skyline generally running parallel with the Tasman Highway and frames Orielton valley when viewed from public roads as well as in the Sorell Township. The management objectives do refer to avoiding significant landscape change on hill faces and skylines. This may be problematic for the western end of Line 455. • Tasman Highway between Shark Point Road and up to about East Orielton road. Provides a visually distinctive sparsely vegetated skyline and upper hillside down to the farm land in Orielton Valley. Again this refers to avoiding significant landscape changes on hill faces and skylines. This may be problematic for the eastern end of Line 455. • Simpsons Hill – a Prominent Hill at the northern end of the Orielton and Pawleena valleys. While this does not specifically reference hill faces or skylines, it does reference the need to retain vegetation values which may be problematic for Line 456. <p>Notwithstanding TasNetworks policy position, the guidelines as drafted do not specifically prohibit the application of the Scenic Protection overlay to areas where the ETC may apply. Notwithstanding the critical nature of the infrastructure provided, there may also be important landscape considerations that must be assessed. The application of these scenic protection overlays has resulted in a transition from the current SIPS 2015, to the LPS. To facilitate the removal of some of these overlays would require further strategic work particularly around the relevance and importance of the Scenic protection areas. To that end, it is not considered appropriate to modify the application of the Scenic Protection Area at this time.</p>
<p>Recommended Action</p>	<p>Zone 65a Tasman Highway Utilities.</p>
<p>Effect of recommendation on draft LPS</p>	<p>No effect on the draft LPS.</p>

<p><i>Representation No 60</i></p>	<p>James Dunbabin, 529 Bream Creek Road, Bream Creek</p>
<p>Matters raised in representation</p>	<p>The representor is concerned about the property being zoned Agriculture. He believes the property should be zoned Rural. It is currently run as a grazing property and is not suited to cropping or intensive agriculture.</p>  <p><i>Figure 78 The subject property highlighted, it is spread over 6 titles.</i></p>
<p>Planning Authority Response</p>	<p>The property is located in Bream Creek, adjacent to a number of other agricultural properties and has a total land area of 174ha. The titles are currently all vacant and are used primarily for grazing. No agronomist report was provided to support the representation so statewide mapping will be relied upon. This determines that the site is considered to be class 5 and 6 agricultural land. The site is adjacent to an informal reserve to the north, includes conservation covenants over bushland on the eastern titles, and is adjacent to conservation covenants to the south.</p>

It is of note that notwithstanding the representation, that the titles in question are in fact partially zoned Rural and partially zoned Agriculture.

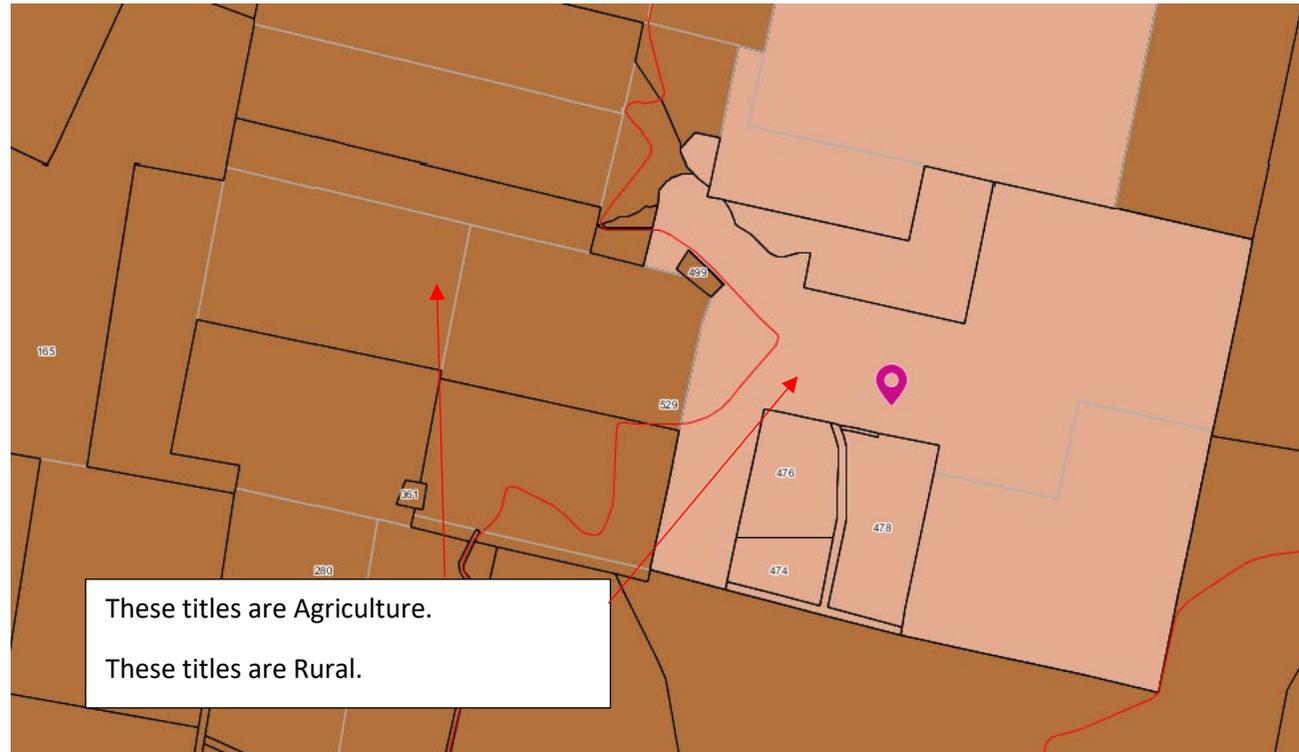


Figure 79 The proposed zoning under the LPS.

Criteria 1 Land Size	The site is over 174ha which is of adequate size to be unconstrained.
Criteria 2 Adjoining uses	There are six titles, none of which have capital investment on them. Unconstrained.
Criteria 3	The site is adjacent to Agriculture zone to the west, and a mixture of Agriculture and Rural zones to the north and south. .

	Adjoining residential zoning	
	1	The site has not been supported by a detailed agricultural analysis. The land is classified as class 5 and 6 on the statewide mapping.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land use is for grazing and bushland. Surrounding land uses are similar with the occasional dwelling. Isolated from agricultural land – The title is located amongst a number of other agricultural properties and to that end is not isolated. Current ownership. The 6 titles are owned by the same landowner. Agricultural potential – The site has varying levels of agricultural potential although but they are dominated by class 5 and 6 land. Localised strategic mapping. Site specific Strategic mapping and analysis has not been undertaken by the agronomist
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer however sections of it have been left out.
	5	Titles may be split zoned – The titles themselves have not been split zoned however approximately half the site is zoned Rural and half the site (but 4 titles) is zoned Agriculture.
	6	The site has not been identified for an alternative zoning. Clause (b) & (d) are not considered relevant for this application. Clause (c) is considered relevant given that one small section includes a threatened vegetation area. The property has varying levels of potential for agricultural use in relation to clause (e).
	7	The land is identified predominantly potentially unconstrained.
<p>Given half of the property is zoned Rural, it is assumed that the land owner is content with this zoning. Looking at the remainder of the property, it does appear to be in grazing land and is unconstrained by adjoining uses. It is acknowledged that the site does not have access to irrigation supplies however.</p>		
Recommended Action	No change to the zonings as shown under the LPS.	

	<i>This assessment was reviewed by RMCG Agricultural Consultants with the recommendation endorsed.</i>
Effect of recommendation on draft LPS	No effect on the draft LPS.

<i>Representation No 61</i>	Poppy Scharkie, Arthur Highway, (CT 114604/2) and 3 Kidbrook Road, Sorell on behalf of Frank Morgan and Leslie Gould.
Matters raised in representation	<p>Concerned that the land at Arthur Highway (CT 114604/2) and 3 Kidbrook Road should not be zoned Rural but should be zoned Future Urban.</p>  <p><i>Figure 80: The subject property at Arthur Highway (northern parcel) and southern parcel at 3 Kidbrook Road.</i></p>

<p>Planning Authority Response</p>	<p>The property at 3 Kidbrook Road is in fact zoned Agriculture, not Rural. Notwithstanding this, it is assumed the representation continues to argue for the zoning to be Future Urban. No agricultural reporting has been undertaken in relation to this site specifically. The land capability identifies this site as class 4 but the site is outside of the irrigation district.</p> <p>The site is identified as potential agricultural land and as land potentially suitable for the agriculture zone, noting that under SIPS 2015 it is currently zoned Rural Resource. The site is on the opposite side of the bypass from the residential land. It is otherwise adjacent to a number of agricultural properties so is not constrained in that regard. There is no justification for the site to be split zoned, with this representation being made over two properties in any event. The site however has been identified for a future urban zone through the Sorell Land Supply Strategy 2019 which has been endorsed by Council. However, constraints from the Regional Land Use Strategy result in an inability to expand the urban growth boundary despite supporting evidence and strategy.</p>
<p>Recommended Action</p>	<p>Given constraints around the urban growth boundary, the site should be zoned Rural in accordance with the previously provided agronomist advice.</p> <p>The LPS be modified and the land at CT 114604/2 and 8740/3 should be zoned Rural as previously recommended in Agronomist reports.</p>
<p>Effect of recommendation on draft LPS</p>	<p>No effect on the draft LPS.</p>

<p><i>Representation No 62</i></p>	<p>Chris Fahey, 1 High Street, Dunalley</p>
<p>Matters raised in representation</p>	<p>The representor contacted Council requesting a 2 lot subdivision at his property at 1 High Street, Dunalley. The land is 1.02ha and not zoned appropriately to allow for that now (currently Rural Living). Under the LPS the site will be zoned Rural Living A which has a minimum lot size of 1ha. While this is not articulated it is assumed that the representor wishes to zone their property Low Density Residential or similar to achieve their subdivision aims.</p>



Figure 81 The subject property highlighted.



Figure 82 The subject property is located in an established Rural Living area.

Planning Authority
Response

The subject site is zoned Rural Living as are those to the north east, east and south east. The site is bounded by High Street, the Arthur Highway and the Dunalley Canal. Across the Arthur Highway is a commercially zoned site. The site is partially serviced, having access to sewer but no access to stormwater or water infrastructure.

Consistent with the Southern Tasmanian Regional Land Use Strategy, SRD 1.6, the low density residential zone should only be applied where it is necessary to manage land constraints in settlements, or to acknowledge existing areas. Furthermore, in the Dunalley area, the settlement strategy specifies that the growth rate should be low, in a consolidated scenario. This specifies that growth should occur from infill developments predominantly, developing existing subdivided lots, or subdividing existing zoned land, or developing existing residential properties. Currently the LDR zone is applied on the north

	eastern side of the canal where lot sizes are generally smaller, and where it is only partially serviced. This area still has a number of vacant LDR lots. The proposed rezoning does not meet the requirements under STRLUS, and would result in a zoning anomaly in this area of Dunalley. Without thorough strategic analysis of this area of Dunalley as a whole, and a change to the STRLUS, it is not appropriate to apply the LDR zone to this site.
Recommended Action	No further action required, leave the Rural Living Zone A applied to this site.
Effect of recommendation on draft LPS	No effect on the draft LPS.

<i>Representation No 63</i>	Phil Gartrell, on behalf of Mr Elliot Lee, 4a Dodges Hill Road, Dodges Ferry
Matters raised in representation	Concerned about the application of the Rural Living Zone A applied to this site. The representor argues that the Low Density Residential (LDR) Zone should be applied. The site is 1.05ha and includes an existing dwelling and outbuildings. It is argued that the site and the adjoining property at 2 Bracken Court should be zoned LDR. They argue that it is a very minor increase in the potential number of lots and that given it is adjacent to the LDR zoned land, it is part of the broader settlement.

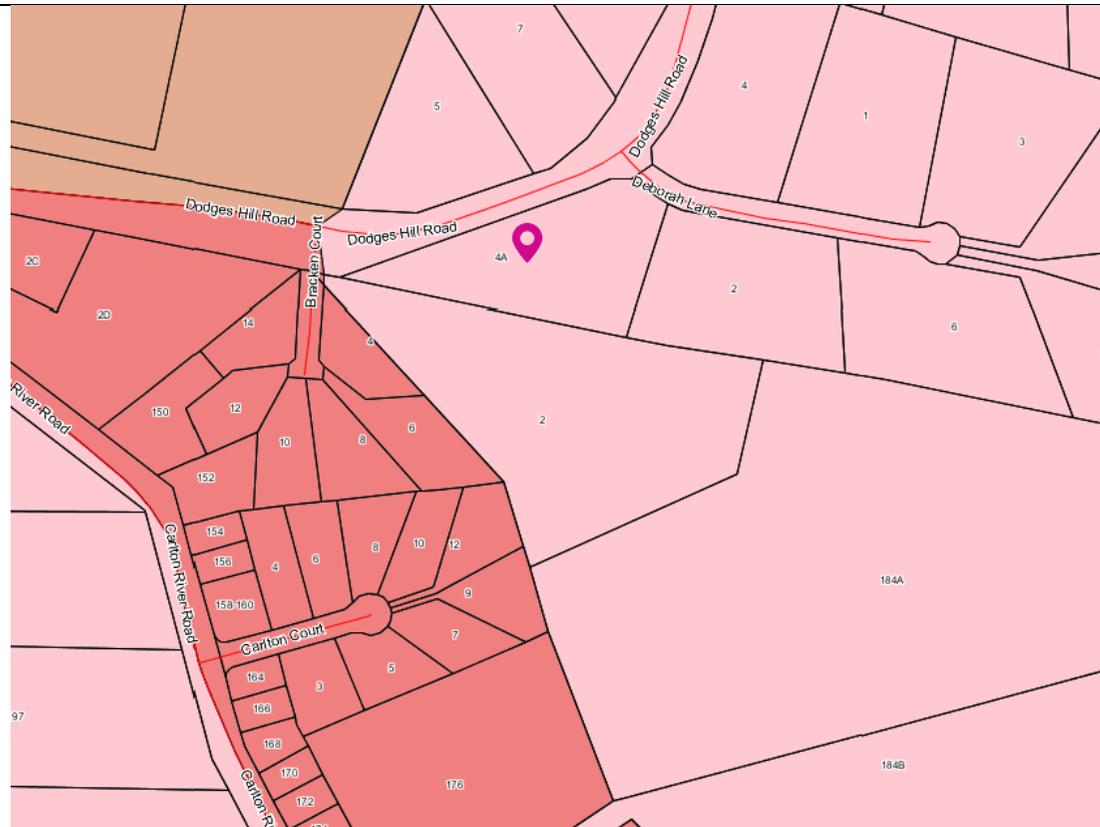


Figure 83 The site highlighted. 2 Bracken Court is directly to the south with the remaining LDR land to the west.

Planning Authority
Response

The subject site is in an area of Dodges Ferry where the land is transitioning into larger lot residential properties, away from the smaller LDR lots. The site is not serviced by water, sewer or stormwater. In considering any rezoning, reference to the STRLUS must be given. Relevant sections of STRLUS include the Growth Strategy and scenario, being low growth in a consolidation scenario. Low Growth is less than 10% increase in the number of potential dwellings, with the majority of the growth from infill development which can involve development of existing subdivided lots, subdivision of existing zoned but vacant or developed residential, construction of additional dwellings on existing developed lots, or redeveloping existing developed lots. The proposal as submitted does not meet these requirements. It proposes an expansion of the LDR zoned

	land, when even on Figure 39 above, it can be seen that lots currently zoned LDR have not yet been developed. Furthermore, the application of the LDR zone to these sites would not meet the requirement that it needs to reflect
Recommended Action	No further action be taken. The zoning of Rural Living remain applied.
Effect of recommendation on draft LPS	No effect on the draft LPS.

<i>Representation No 64</i>	Michael Ball, on behalf of P and B Hills and G Lawler, of 14 Knights Road, Connellys Marsh.
Matters raised in representation	The representor raised concerns with the application of a Specific Area Plan to Connellys Marsh which limits through Clause SOR S4.8. Specifically, they were concerned about the fact that the Acceptable solution, allows for 3000m ² minimum lot size and the performance criteria does not allow for a lot size any smaller. This doesn't provide an applicant with a pathway to argue localised circumstances.



Figure 84 The subject site highlighted.

Planning Authority
Response

This particular area has very poor soil conditions in relation to management of onsite waste-water. In addition, the site is close to a recreational beach where failing septic systems could result in impacts on water quality. The site is very steep and the controls provided by the SAP enable protection of environmental values, and a sustainable level of development. The absolute minimum lot size ensures that there is clarity to landowners about expectations in this area.

Recommended Action	No change.
Effect of recommendation on draft LPS	No effect on the draft LPS.

<i>Representation No 65</i>	Evan Boardman, on behalf of Jackson Hewitt of 625 Shark Point Road.
Matters raised in representation	The representor raises concerns in relation to a property at 625 Shark Point Road, Penna. The property is at the furthest western end of Shark Point Road and under the LPS is proposed to be zoned Agriculture. To the north east of this site land is zoned Rural Living A, to the north west the land is zoned Agriculture. To the south the site is bounded by Crown Land along the foreshore which is zoned Environmental Management. The property is just over 3ha in area and includes a dwelling and two outbuildings. No Agricultural or rural use is occurring on the site. The representor argues that a more appropriate zoning for the site would be the Rural Living Zone allowing for a single lot subdivision. The site does not have any significant agricultural characteristics nor is it being used for agricultural purposes.



Figure 85: The subject site highlighted.

Planning Authority
Response

The site is covered by the Landslide Hazard Area, the Waterway and Coastal Protection Area, the Bushfire Prone Area, Airport Obstacle Limitation Area and Airport Noise Exposure Area. The site is on the foreshore and it is noted that access is achieved via a right of way over an adjoining property. There is no frontage to a road.

Criteria 1 Land Size	The site is 3ha therefore is considered constrained.
Criteria 2 Adjoining uses	The site is a single title, not associated with properties to the north. The north eastern properties are all built upon. The site includes a dwelling and outbuildings and would have a capital value of more than \$50K/ha.

Criteria 3 Adjoining residential zoning	The site is adjacent to Rural Living zoned land to the north east, agricultural land to the north west and Environmental Management land between the site and the foreshore.
1	The site has not been supported by a detailed agricultural analysis. The land is classified as class 5 on the statewide mapping.
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is for large lot residential. Land uses to the north east are Rural Living, and to the north west are Agriculture. • Isolated from agricultural land – The title is located adjacent to a larger agricultural property. • Current ownership. The title is in single ownership. • Agricultural potential – The site has limited to no agricultural potential, being located on a narrow coastal strip, adjacent to large lot residential uses, being vegetated and with limited access. • Localised strategic mapping. Site specific Strategic mapping and analysis has not been undertaken for this site.
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer however sections of it have been left out.
5	Titles may be split zoned – The title is relatively small and represents consistent characteristics therefore it is not considered appropriate to split zone it.
6	The site has not been identified for an alternative zoning. Clause (b) - (d) are not considered relevant for this application. The property has limited levels of potential for agricultural use in relation to clause (e).
7	The land is identified potentially constrained.
<p>It is agreed that the site has limited agricultural potential given its shape, size and adjoining land uses. There are also limitations on access, constraints around the waterways and coastal protection code, and known landslide hazard areas. Furthermore, any application of the Rural Living zone must consider the Regional Land use strategy and in particular Clause SRD 1.3 (c). The site is adjacent to an area of Rural Living land. The amount of land to be rezoned would be only 3ha which is</p>	

	<p>likely to result in one additional lot. However the adjacent Rural Living area provides for 9 lots, therefore an additional 2 lots (when considering the site as a whole would be zoned RLZ and then split in 2) represents a 22% increase in the number of Rural Living lots in that area. There is the potential for development of this land to RLZ to increase potential conflicts between uses, particularly with the lot immediately to the north west which is zoned Agriculture. This site is unable to be easily connected to the existing Rural Living area, given its lack of road frontage. The site is designated to be zoned Agriculture but is not adjacent to the UGB. There are however risks and values on this land which require a level of protection.</p> <p>Given this, the application of the Rural Living zone is not considered appropriate for this site. Continuing to apply the Agriculture zone is considered an appropriate response.</p>
Recommended Action	No change to the zone layer
Effect of recommendation on draft LPS	No effect on the draft LPS.

<i>Representation No 66</i>	Anne Cameron and Will Downie, of Hazelwood Pty Ltd, 2057 Arthur Highway, Copping
Matters raised in representation	<p>Concern regarding the application of the Agriculture and Open Space zone to the property. Representation is supported by an Agronomist assessment. The property is 1008ha of land spread over 3 titles. 328ha of land is cleared and developed for agricultural land use with the remainder covered by native forest and bushland, conservation covenants and plantations. The dominant agricultural use is sheep based pastoral use.</p> <p>The property receives 670mm of rain on average. The site has access to water through two irrigation dams, and several small stock water dams. The site also has storage sheds, stock yards, 2 residential dwellings and two towable centre pivots.</p> <p>Private timber plantations (not covered by reserves) cover 8% of the property and conservation covenants cover 21% of the property. The land capability mapping determines the site is covered by class 4, 5, 5+ and 6 land. The property has 360ha of pasture land which enables grazing for sheep.</p>

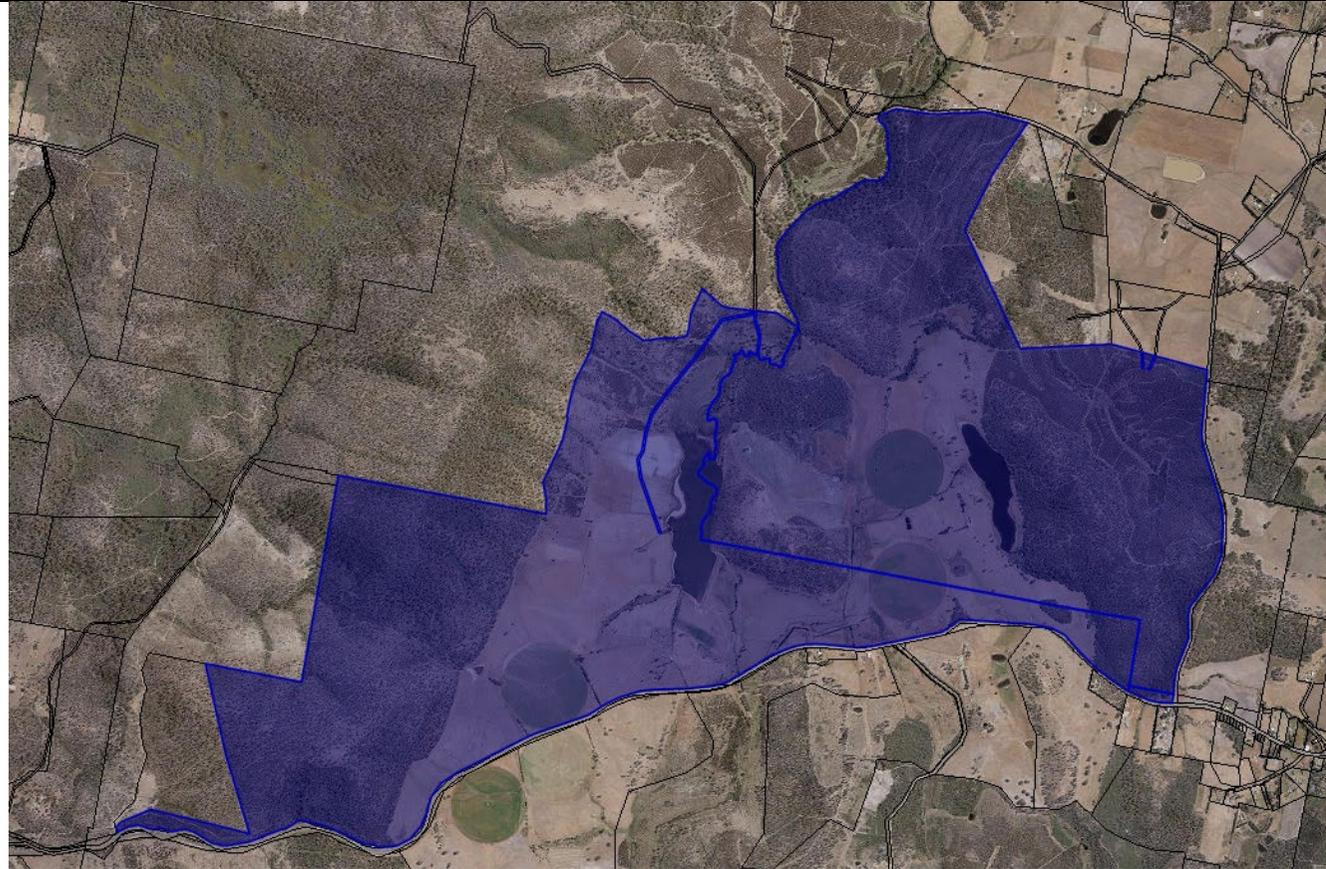


Figure 86: The subject site highlighted.

The representor argues for the larger two lots which are currently zoned Agriculture to be zoned Rural, with the smaller lot, which is currently zoned Open Space, to be zoned Rural Living.

Planning Authority
Response

The property covers an expansive area. It incorporates a range of uses including grazing, forestry, conservation areas, dams and water courses. The majority of the land is held in two larger titles which are zoned Rural. There is a smaller title on the corner of Kellevie Road and Arthur Highway which under SIPS is zoned Open Space.

	Criteria 1 Land Size	The site is over 1000ha which is of adequate size to be unconstrained.
	Criteria 2 Adjoining uses	There are three titles, the two larger titles have dwellings, the third small title is vacant.
	Criteria 3 Adjoining residential zoning	The site is adjacent to Agriculture zone to the east and Rural zoned land to the north and west. Across the road from the small open space lot is the township of Copping and there are a number of Rural Living zoned lots in this location.
	1	The site has been supported by a detailed agricultural analysis. The land is classified predominantly as class 5 and 6 with a small area of class 4.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is for grazing, forestry and bushland. Surrounding land uses are similar with some residential lifestyle properties to the far south east of the site. • Isolated from agricultural land – The title is large and is adjacent to a number of other agricultural properties therefore is not isolated. • Current ownership. The 3 titles are owned by the same landowner. • Agricultural potential – The site has varying levels of agricultural potential although but they are dominated by class 5 and 6 land. • Localised strategic mapping. Site specific Strategic mapping and analysis has been undertaken by the agronomist
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer however sections of it have been left out.
	5	Titles may be split zoned – The property is large and depending on the variation across the site, may be suitable for the property to be split zoned.
	6	The site has not been identified for an alternative zoning. Clause (b) - (d) are not considered relevant for this application. Clause (c) is considered relevant given that one small section includes a

		threatened vegetation area. Given the size of the property, some areas have greater opportunity for agricultural productivity than others.
	7	The land is identified predominantly potentially unconstrained.
	<p>It is acknowledged that parts of this site are covered by conservation covenants, threatened vegetation communities, private timber reserves and dams and that the land is classified as class 5 and 6. However a large section of this property includes quality agricultural land, supported by established irrigation infrastructure in the form of dams. Pivot irrigators have been used at the site to support this agriculture.</p> <p>The site is not highly constrained by residential uses.</p> <p>It is noted that it is highly unusual for a property in private ownership to be zoned Open Space. Furthermore the location of this property strategically has not been identified for Open Space use (Sorell Open Space Strategy 2000). Given this, the zoning is unusual. The property has an area of 1.2ha. Across the Arthur Highway is the Rural Living zone A. This has a minimum lot size of 1ha. The application of the rural living zone to CT 203622/1 would allow for the development of a single dwelling, but nothing beyond that. It is considered that this is a more pragmatic and appropriate zoning than the Open Space zone as this site will not be used for open space or recreational uses into the future, particularly as it is in private ownership.</p>	
Recommended Action	Advice was sought from RMCG Agricultural Consultants regarding the appropriate zonings for this property. It was considered that the site could be split zoned, the zoning line could be based on the class 6 land as identified within the reporting which accords with native forests and plantations.	

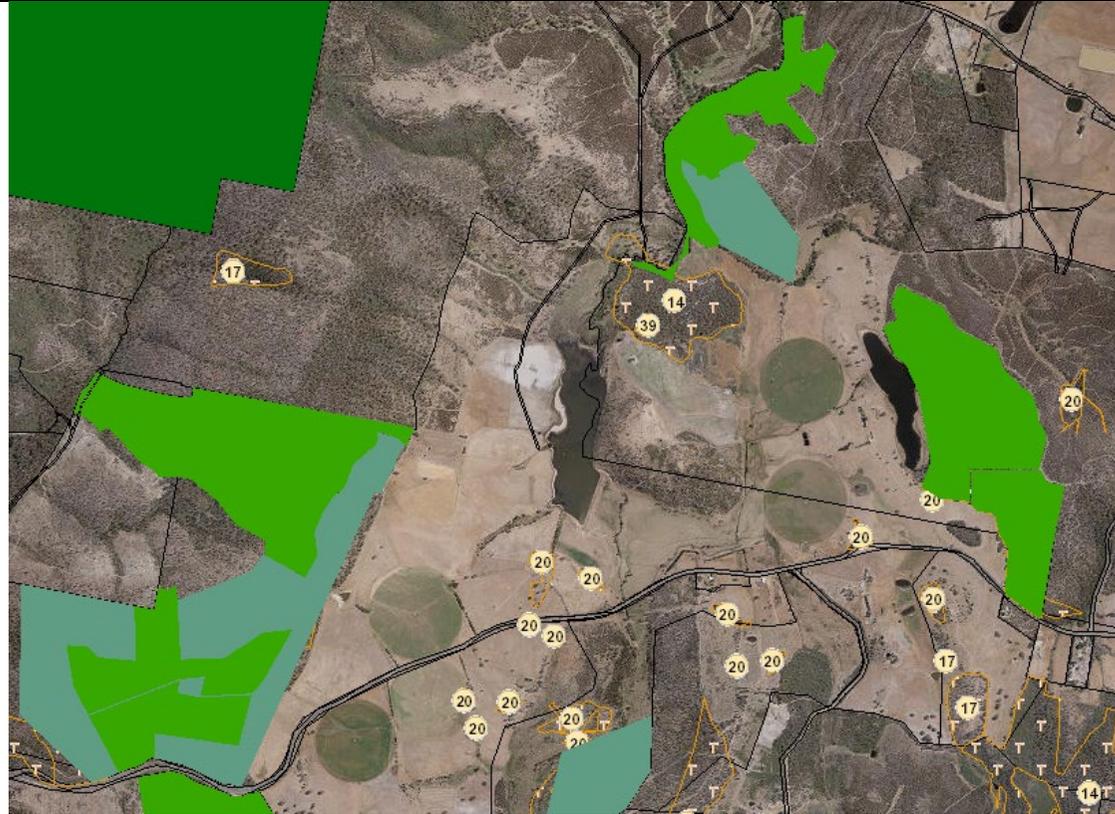


Figure 87: The map highlights native forest, and private timber reserves and plantation forestry which should be zoned Rural.

CT 178879/1 and 238676/1 should be split zoned resulting in the land which is predominantly in native forests, or private timber reserves or plantations being zoned Rural with the remainder in the Agriculture zone.

CT 203622/1 be zoned Rural Living A.

Effect of recommendation on draft LPS

Beyond the subject property, there will be no effect on the draft LPS.

<i>Representation No 67</i>	Chris Irvine, from SES, regarding Flood prone areas, Coastal inundation hazards and zoning.
Matters raised in representation	<p>The representation acknowledges the Flood Prone areas hazards overlay and the mapping that has been undertaken by Sorell Council to date. The State Government is undertaking their own Tasmanian Flood Mapping Project and the author invites Sorell Council to be involved in that project and the subsequent mapping that will be produced. The SES acknowledges that the Planning authority can still require additional information to determine the level of risk. The SES is working with the Department of Justice to prepare draft guidance on what information a planning authority should use to determine compliance with the Scheme and is suggesting that under Section 8A of LUPAA that guidance directions be provided. Recommendations are made regarding reporting and documents that the planning authority can rely upon to determine compliance with. Noted.</p> <p>SES notes that the Coastal Inundation hazard overlay mapping have been informed by the appropriate guidelines however there are concerns that there is an error in Table C11.1 in relation to hazard band AHD levels where the Low Hazard Bands levels and the Defined Flood Level have been transposed incorrectly from the original source document. In the view of the SES, the table should be modified to reflect the correct table.</p> <p>SES supports the zone application and the Southern Beaches On-Site Wastewater and Stormwater Management Specific Area Plan.</p>
Planning Authority Response	<p>The flood mapping has been undertaken by suitably qualified people and is in accordance with the state stormwater guidelines and best practice modelling. This is considered appropriate to rely upon for the inundation risk within the municipality.</p> <p>The coastal hazard inundation table SOR-C11.1 has been reviewed and it is agreed that the heading for the Low Hazard Band and the heading for the Defined Flood level have been interchanged resulting in errors in the Table. The Table should be updated to reflect the DPAC Coastal Hazards Technical Report 2016.</p>
Recommended Action	Update the table SOR-C11.1 to accurately reflect the Coastal Hazards Technical Report 2016 in the following manner:

	Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Boomer Bay	0.9	2.2	2.8	2.5
	Carlton	0.9	2.1	2.7	2.4
	Carlton River	1	2.1	2.7	2.4
	Dodges Ferry	0.9	2.1	2.7	2.4
	Dunalley	0.9	2.2	2.8	2.5
	Forcett	0.9	2	2.6	2.3
	Lewisham	0.9	2	2.6	2.3
	Marion Bay	0.9	1.7	2.4	2.1
	Midway Point	0.9	2	2.6	2.3
	Penna	0.9	2	2.6	2.3
	Primrose Sands	0.9	2.1	2.7	2.4
	Sorell	0.9	2	2.6	2.3
	Sorell Average	1	2.2	2.8	2.5
Effect of recommendation on draft LPS	The effect on the draft LPS is the inclusion of an accurate coastal hazard inundation table which will impact upon properties in various locations around the municipality.				

<i>Representation No 68</i>	Evan Boardman, on behalf of Kylie Reardon, 13-15 Jetty Road, Dodges Ferry.
Matters raised in representation	<p>The representation raises concerns that the property at 13-15 Jetty Road is going to be zoned Environmental Management. The property is privately owned and does not have significant environmental values that would warrant the zoning.</p>  <p><i>Figure 88: The subject property at 13-15 Jetty Road highlighted.</i></p>
Planning Authority Response	<p>The subject property is currently zoned Environmental Management. It is on the foreshore of Red Ochre Beach and incorporates the escarpment as well as beach. The site is covered by the Waterway and Coastal Protection Area, Coastal Inundation Area and Coastal Erosion Hazard Area currently and those overlays are proposed to be transferred to the LPS.</p>

	<p>The majority of the surrounding parcels are in Crown or Council ownership although to the south is Jetty Road with parcels in private ownership and zoned Low Density Residential, and to the east similarly in Private Ownership and zoned Low Density Residential.</p> <p>It is acknowledged that the purpose of the Environmental Management Zone is to predominantly be applied to Council or Crown land, or land with significant ecological, scientific, cultural or scenic values. It can also be applied to riparian, littoral or coastal reserves. It can be applied to private land which contains significant values or where the intention is to limit use and development.</p> <p>Within the scheme there is no definition for riparian, littoral or coastal reserves. Riparian zones generally refer areas of land that adjoin, influence or are influenced by a body of water. They are more often applied to river banks, floodplains, lake foreshores and wetland fringes. The coastal zone as defined by the State Coastal Policy refers to all land within 1km of the high water mark. While this is valid, it doesn't necessarily assist in determining the application of zonings in this context. The littoral zone can be referred to as the intertidal zone and is the area that is exposed to air at low tide, and is underwater at high tide. While this may include part of the site, such as the escarpment and beach area, it doesn't apply to all of the site.</p> <p>The critical reason for application of the Environmental Management zone to this site is to limit use and development, to ensure that this part of the foreshore area remains consistent with that adjoining. This approach appears to be warranted.</p>
Recommended Action	No changes.
Effect of recommendation on draft LPS	There will be no effect on the draft LPS.

<i>Representation No 69</i>	Patrick Burke, 499 Bay Road, Marion Bay.
Matters raised in representation	The representor raises concerns regarding the application of the Agriculture zone to their property. They argue that the property should be zoned Rural. The representation was not supported by an agronomist report however the representor argues that due to the size of the lot, the land capacity and existing use, the property does not meet the criteria for the agriculture zone.



Figure 89: The subject site at 499 Bay Rd, Marion Bay, highlighted.

Planning Authority Response

The property is located on Bay Road overlooking Marion Bay. The property accommodates a single dwelling and associate outbuildings.

Criteria 1 Land Size	The site is 5.6ha which is considered constrained.
Criteria 2 Adjoining uses	The property includes a house and associated outbuildings and would have a capital value of more than \$50K/ha. Constrained.

	Criteria 3 Adjoining residential zoning	The site is surrounded by Agriculture zoning notwithstanding the adjoining residential lifestyle properties.
1	The representation has not been supported by an agronomist report. The statewide mapping determines that the site is class 4 land.	
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.	
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is a residential lifestyle property. The property to the north and south is the same, both being relatively small lots, with the southern property also proposed to be zoned Landscape Conservation. The title to the north west is zoned Agriculture and incorporates a dwelling but appears to be used for low level agricultural activities. • Isolated from agricultural land – The title is small and is somewhat isolated from agricultural land given the surrounding smaller lots and uses. • Current ownership. The property is a single title, given surrounding land uses it is unlikely it could be incorporated with other titles. • Agricultural potential – The site is marked as class 4 agricultural land. • Localised strategic mapping. No site specific strategic mapping has been undertaken. 	
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.	
5	Titles may be split zoned – The property is relatively small so it is not considered appropriate to split zone it.	
6	The site has not been identified for an alternative zoning. Clause (b) - (d) are not considered relevant for this application. Given the size of the property, there is limited opportunity for agricultural operations.	
7	The land is identified predominantly potentially constrained..	

	The property is a residential lifestyle property, as many are in this strip of Bay Road. The ability for the site to be used for agricultural purposes is minimal. While the site has a reasonable land capability, this is not considered adequate to argue for an agricultural zoning given the size and locational constraints.
Recommended Action	The property be zoned Rural. In addition, CT 6956/1, CT 127346/1, 168576/3, 168576/1, 168576/2 and 6956/2 should also be zoned Rural. <i>This assessment was reviewed by RMCG Agricultural Consultants who endorsed the recommendation.</i>
Effect of recommendation on draft LPS	Beyond the subject properties, there will be no effect on the draft LPS.

<i>Representation No 70</i>	Justine Brooks, on behalf of Archdiocese of Hobart, for Lot 1 Arthur Highway (PID 5935403)
Matters raised in representation	<p>Concerned about the application of the Agriculture zone and believed it should be zoned General Residential/Community Purpose, or Future Urban.</p> <p>The representor states that the land is class 4 and 5, is close to residential land, and is highly constrained for agricultural development. Furthermore, the site has been identified in strategic planning documents including the Sorell Land Supply Strategy, as being suitable for future urban development. The representor indicates that the land owners want to develop the land for a Kindergarten to grade 12 catholic school, as well as provide for a mix of housing types including social and affordable housing.</p> <p>The representor relies upon the Department of Treasury and Finance population projections 2019, noting however that they were already out of date given the impacts of Covid on residential land supply in Tasmania. The representor also highlights that the preferred zoning of Future Urban would enable the land to be protected from development that may compromise its future development opportunities, and argues that the Future Urban zone accurately interprets the strategic intent and use of the site.</p>

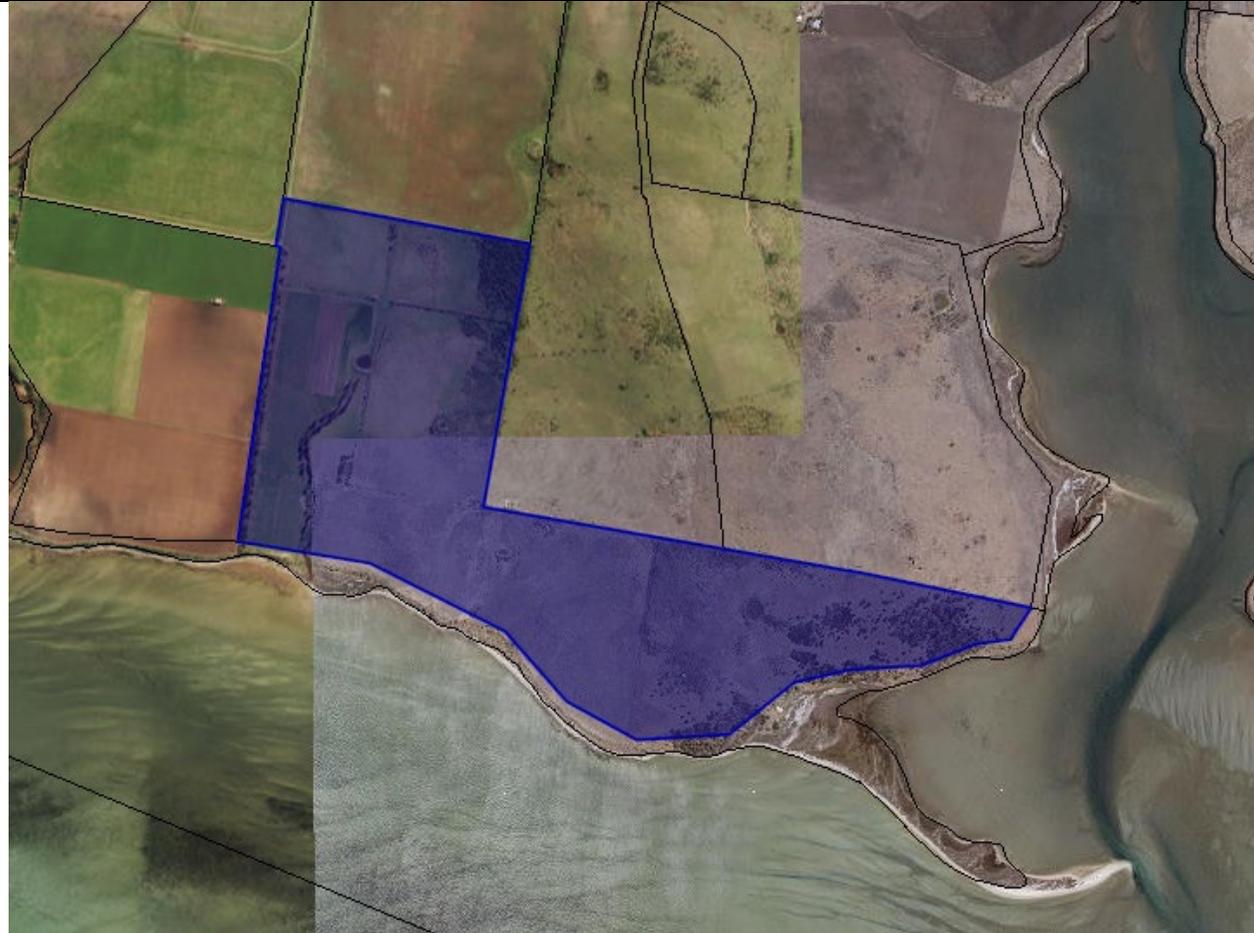


Figure 90 Lot 1 Arthur Highway highlighted.

Planning Authority
Response

This parcel of land is 63ha and does not include substantial structures other than a barn. The value of the land is likely to be more than \$50K/ha. The site is surrounded by land zoned Agriculture except for the coastal reserve to the south which is zoned Environmental Management. The land has been potentially suitable for agriculture and unconstrained. It is however

noted that within the zone application guidelines AZ1(c) that regard should be given to land that is identified by local strategic analysis.

This parcel of land had originally been identified by Council as being suitable for the application of the Future Urban Zone. This determination was made following the completion of the Sorell Land Supply Strategy which identified this area to the south east of the Sorell Bypass, as being one of the few suitable locations for residential expansion in the municipality.

Despite the strategic analysis, this zone application was not supported by the Commission. It is understood that this is based on the fact that the land in question is outside of the Urban Growth Boundary set down by the Southern Tasmanian Regional Land Use Strategy (STRLUS). Despite acceptance within Government and the industry more broadly that this strategy is out of date and requires review, this document continues to be relied upon in decision making around strategic development and planning for the state.

Council supports the zoning of this land, and parcels adjacent to it to the north and west, as Future Urban given the strategic work undertaken, the fact that we're experiencing unprecedented growth and currently have a land supply of approximately 8 years, instead of the 10-15 years that is recommended. Council believes that the zoning of Future Urban would accurately acknowledge the identified growth area for the municipality, and enable appropriate strategic planning of these areas of land to commence. This is particularly critical given the timeframe around preparing land for market, being up to 5 years to rezone land and then undertake subdivisions with the associated infrastructure installation, and the fact that Council has a projected 8 year land supply. The provision of a second school for the area is critical, providing educational choice within the municipality and reducing the up to 50% of school students that currently leave the municipality to be educated elsewhere. To that end, it is an important element in Sorell as a municipality becoming more self sufficient. It is also noted that an educational establishment could be approved at this site under the Agricultural zoning, which could result in an unusual situation where a school is otherwise surrounded by agricultural land. In addition, multi-million dollar investment in road infrastructure in this area, further supports the argument that the land is suitable for residential development.

However it is further acknowledged that the land is outside of the Urban Growth Boundary and that this boundary has represented a stopping point in allowing expansion of residential development in certain areas. Furthermore the Sorell Land Supply Strategy 2019 identifies this corridor as the most appropriate location for future residential development. It is also accepted that the STRLUS document is out of date, and reliant upon data from over 15 years ago. Given these inputs, the site should be zoned Future Urban to send a broader message about this location as being the growth corridor

	for the Sorell municipality. However Sorell Council acknowledges the impediments of the regional land use strategy and in particular the Urban Growth Boundary and accordingly rely upon the previous received agronomy advice.
Recommended Action	That CT 251707/1 be zoned Rural consistent with previous agronomy advice.
Effect of recommendation on draft LPS	There will be no effect on the draft LPS.

<i>Representation No 71</i>	Andrew Sinclair, Cape Bernier Vineyard, 230 Bream Creek Road
Matters raised in representation	Concerned about the application of the agriculture and believe it should be zoned Rural. The property is currently in intensive horticulture (vineyard) and the representor believes much of the site is not appropriate for this. This is because the weather is variable, the terrain is steep in places, there is limited access to water, and the soils are not ideal with rocky slopes and heavy clay. The representation was not supported by an agronomist assessment.



Figure 91 The property highlighted.

Planning Authority
Response

The property at 230 Bream Creek Road is a vineyard in current operation. The size has been proposed to be zoned Agriculture and is surrounded on all sides by agriculture zoning. The site has a land area of 8.9ha.

Criteria 1 Land Size	The site is 8.9ha which is considered constrained.
Criteria 2	The property includes a house and associated outbuildings as well as the vineyard and would have a capital value of more than \$50K/ha. Constrained.

	Adjoining uses	
	Criteria 3 Adjoining residential zoning	The site is surrounded by Agriculture zoning however the immediately adjoining properties to the south and west in particular are used as residential lifestyle properties.
	1	The representation has not been supported by an agronomist report. The statewide mapping determines that the site is class 4+3 and class 5 land.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is as a residence and vineyard with cellar door. The surrounding land use is lifestyle properties to the south and west with more agricultural properties further afield. • Isolated from agricultural land – The title is relatively small and is isolated from other agricultural land. It could be incorporated with a title to the north however this is part of a larger farming operation in the vicinity. • Current ownership. The property is a single title, given surrounding land uses it is unlikely it could be incorporated with other titles. • Agricultural potential – The site is marked as class 4+3 and class 5 agricultural land. • Localised strategic mapping. No site specific strategic mapping has been undertaken.
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – The property is relatively small so it is not considered appropriate to split zone it.
	6	The site has not been identified for an alternative zoning. Clause (b) - (d) are not considered relevant for this application. Given the size of the property, there is limited opportunity for agricultural operations.
	7	The land is identified predominantly potentially constrained..

	<p>The site is currently operating a viable vineyard and cellar door operation. The land classification at class 4+3 does allow for a level of agricultural productivity and this is represented in the established vineyard. The main constraint on the site is the limitations of the vineyard and development to expand, and the number of residential properties surrounding the site.</p> <p>This property CT 202381/1 and those in the immediate vicinity including CT 103574/3, CT 108537/1, CT 224073/1, CT 107357/1, CT 133459/1, CT 8046/1, CT 107419/1, CT 37025/1, CT 37025/2, CT 113549/1 and CT 35548/1 are all smaller properties and constrained. However further advice from RMCG Agricultural Consultants was sought who advised that in their opinion the site should remain as Agriculture as should the adjoining properties nearby. This was due to an established vineyard with 10ML of water on the site. Given this advice, it is considered that no change to the LPS can be warranted.</p>
Recommended Action	The property should be retained in the Agricultural zoning in accordance with agronomist recommendations.
Effect of recommendation on draft LPS	There will be no effect on the draft LPS.

<i>Representation No 72</i>	Justine Brooks, on behalf of Mr Peter Ryan, 664 Shark Point Road.
Matters raised in representation	The representor seeks to rezone land that has been zoned Rural, to Rural Living. The representor argues that the land has limited rural capability (a mixture of class 4, 5 and 6) and like the adjoining lots, represents a large land holding lifestyle property. The property is 10ha and the representor argues that Rural Living B (2ha) or Rural Living C (5ha) could be appropriate to represent a transition from the smaller lots to the south.



Figure 92: The subject property at 664 Shark Point Road highlighted.

Planning Authority
Response

The land has been zoned Rural, therefore recognising a level of agricultural development could occur, but the land is not identified for intensive agricultural operations and there are significant limitations. The zone application guidelines for the Rural Zone include the fact that it should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area. In this regard, the poor agricultural opportunities associated with this site are consistent with the application of the Rural Zone.

The representor wants to see the Rural Living zone applied, but with a larger minimum lot size than others in this Shark Point Road area.

	<p>Rezoning the land north of Shark Point Road has been raised with the Sorell Council on a number of occasions and in a commission decision in 2017 (43.2017.1) a previous rezoning application was refused. The grounds for refusal at that time were:</p> <ol style="list-style-type: none"> 1. The draft amendment is inconsistent with SRD 1.3(c)(ii) of the RLUS as the land to be rezoned does not create limited subdivision potential by the rezoning, and therefore does not satisfy the requirements of section 300(1) of the Land Use Planning and Approvals Act 1993; and 2. The draft amendment does not further objective 1(b) of Schedule 1 of the Land Use Planning and Approvals Act 1993 to provide for the fair, orderly and sustainable use and development of air, land and water because the rezoning is inconsistent with the purpose of the Rural Living Zone, the purpose of the Attenuation Code and the objective in Clause E9.6.1. <p>Since this decision, critically, no substantive changes have been made to the STRLUS, or how consideration is given to the expansion of Rural Living areas. While this representor argues that a smaller number of lots could be subdivided if the minimum lot size was 2 or 5ha, it is plausible that this could still result in 27-54 lots which is not an insignificant number. The issue previously raised in relation to the sand mine would be more critical for this site, as the separation distance between this mine and the subject site is less than 1km. However issues around the sewage treatment plant remain, and the separation from this site for attenuation is not a concern given the required 700m attenuation distance. Further to these issues already identified, a further constraint on development in this area has been identified associated with high landslip risk (see representation 9, 11 and 55 for further details). This highlights the need to limit the amount of residential development in the area, without the services.</p> <p>The subject property is not adjacent to Rural Living land therefore does not share a common boundary nor is the site an existing Rural Living community.</p>
Recommended Action	No change to the LPS zoning as applied.
Effect of recommendation on draft LPS	There will be no effect on the draft LPS.

Representation No 73

Mark Scanlon, 241 Burnt Hill Road, Bream Creek

Matters raised in representation

Concerned about the application of the Agriculture zone. Believes the property should be zoned Rural given it's small size, and land use. Note this site is in close proximity to the site referenced in representation #71.



Figure 93 The subject property highlighted at 241 Burnt Hill Road, Bream Creek.

Planning Authority Response	The property is a residential lifestyle property which is just over 4000m ² in area. It currently accommodates a dwelling and outbuildings but no agricultural operations occur on the site, nor could they given the land area.	
	Criteria 1 Land Size	The site is 4106m ² which is considered constrained.
	Criteria 2 Adjoining uses	The property includes a house and associated outbuildings and would have a capital value of more than \$50K/ha. Constrained.
	Criteria 3 Adjoining residential zoning	The site is surrounded by Agriculture zoning with some other residential lifestyle properties nearby.
	1	The representation has not been supported by an agronomist report. The statewide mapping determines that the site is class 4+3 land.
	2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
	3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> Existing and surrounding land use – The existing land use is as a residence. The surrounding land uses are agriculture with a number of residential properties nearby. Isolated from agricultural land – The title is relatively small, it could be incorporated within a larger farm. Current ownership. The property is a single title, given surrounding land uses it is unlikely it would be incorporated with other titles. Agricultural potential – The site is marked as class 4+3 agricultural land. Localised strategic mapping. No site specific strategic mapping has been undertaken.
	4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
	5	Titles may be split zoned – The property is small so it is not considered appropriate to split zone it.
	6	The site has not been identified for an alternative zoning. Clause (b) - (d) are not considered relevant for this application. Given the size of the property, there is limited opportunity for agricultural operations.

	7	The land is identified predominantly potentially constrained..
	The land area for this property means there is no opportunity for it to be used for rural use. While it is accepted that it could be incorporated in a larger farm holding, given the cost of land, it is considered unlikely that this would occur.	
Recommended Action	To ensure the most appropriate zone is applied, advice was sought from RMCAG Agricultural Consulting. They advised that while this site may not have agricultural potential, it should only be zoned Rural in the event of it being clustered with 2 other properties. As this site is surrounded on all sides by Agricultural operations, it was considered not to meet the requirements otherwise it would result in a one off spot zoning. CT 138932/1 should be retained as Agriculture zoning.	
Effect of recommendation on draft LPS	There will be no effect on the draft LPS.	

<i>Representation No 74</i>	Robert Higgins, Various sites around Sorell.	
Matters raised in representation	<p>The representation was brought by Council to be considered through the LPS process exhibition process. In summary it identifies a number of sites where zones should be changed to accurately reflect updated circumstances. These include:</p> <ul style="list-style-type: none"> • Rezoning Tasman Highway, Midway Point from Community Purpose and General Residential to Utilities. • 119 Arthur Highway, Dunalley – rezone from Local Business to Village • 9 Bay Street Dunalley – rezone from Low Density Residential to Village • 123-125 Arthur Highway – rezone from Low Density Residential to Village • 141 Main Road Sorell – rezone from Light Industrial under LPS to Open Space • 6 Dubs and Co – Rezone from General Business to General Residential Zone • PID 2132437, Dunalley Marina Site – rezone from Light Industrial to PPZ – Dunalley Marina 	
Planning Authority Response	The Sorell Council as Planning authority has endorsed these recommended changes. They have been identified through a review of the LPS as initially drafted, and through identifying changed circumstances since 2019. Full explanation can be found within Councils representation.	

Recommended Action	<p>To implement the re-zonings as recommended:</p> <ul style="list-style-type: none"> • Rezoning Tasman Highway, Midway Point (CT 179029/100 and CT 199953/1) to Utilities. • 119 Arthur Highway, Dunalley (CT 102982/1) to Village • 9 Bay Street Dunalley (CT74765/5) to Village • 123-125 Arthur Highway (CT74765/6) to Village • 141 Main Road Sorell (CT, 105075/1, 105075/2 and 105075/3 to Open Space • 6 Dubs and Co (Strata Corporation 176681/0 – 30 associated units) to General Residential Zone • PID 2132437, Dunalley Marina Site – rezone from Light Industrial to PPZ – Dunalley Marina
Effect of recommendation on draft LPS	Aside from the identified properties, there will be no effect upon the draft LPS.

<i>Representation No 75</i>	Shannon Campbell, 4 Marshton Lane, Copping (Representation received 19 August 2021)
Matters raised in representation	<p>The representor raises concerns regarding the application of the Agriculture zone to the subject site. The reasons they object to this include the fact that:</p> <ul style="list-style-type: none"> • The site is not considered fit for cultivating plants; • It is not suitable to farm livestock; • They have no intention or ability to use this property for agriculture, the property is their main place of residence; • There is a house and 2 large sheds on the property; • The property borders properties that are zoned Rural Living.

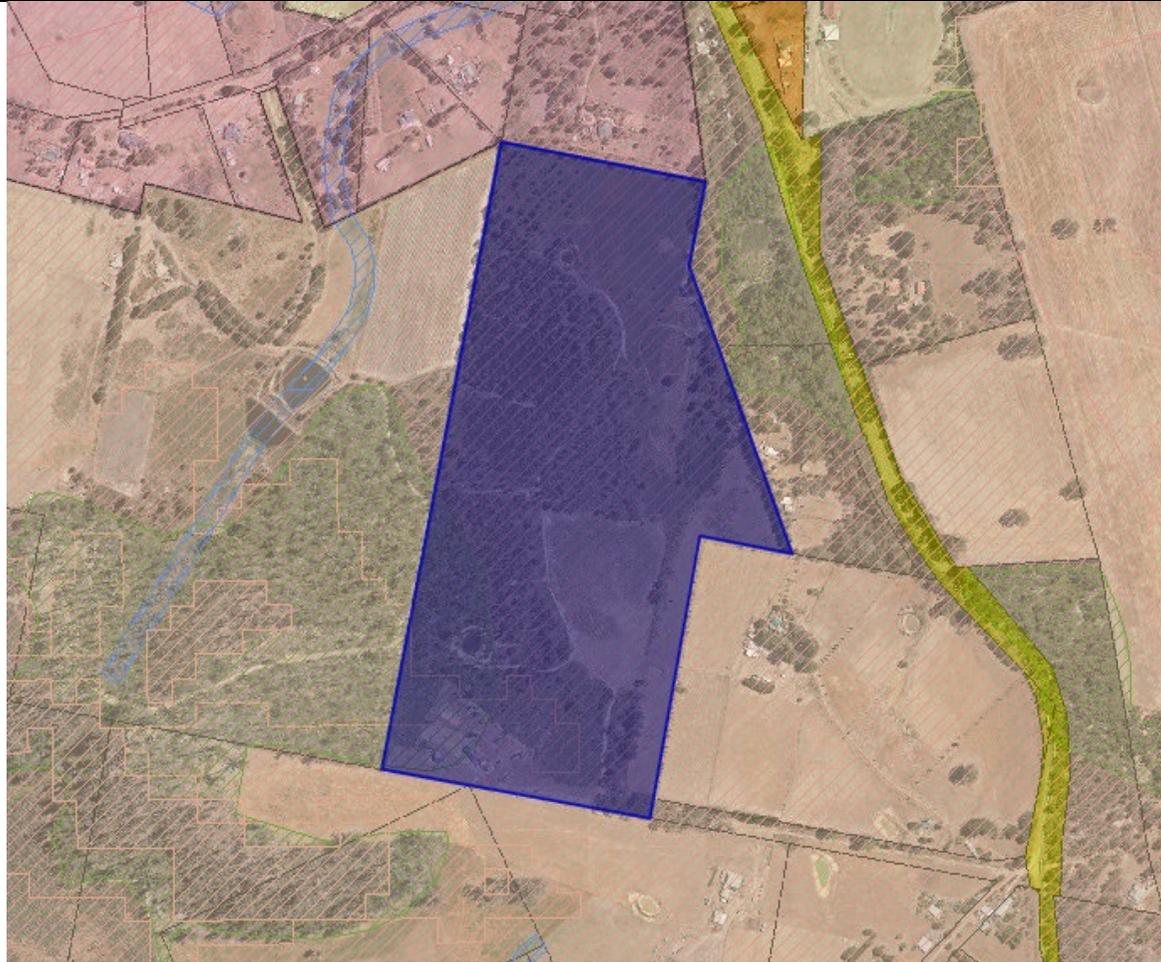


Figure 94 The subject property at 4 Marshon Lane, Copping, highlighted. Note the Rural Living land to the north.

Planning Authority
Response

The property is a large lot residential lifestyle property, with a land area of just over 18ha.

Criteria 1
Land Size

The site is 18.4ha which is considered unconstrained.

Criteria 2 Adjoining uses	The property includes a house and outbuildings. It is unlikely to have a capital value of more than \$50K/ha.
Criteria 3 Adjoining residential zoning	The adjoining zonings include Rural to the west and Rural Living to the North. The properties to the east, while zoned Agriculture, are small lots which includes houses. This does mean that the site is potentially constrained.
1	The representation has not been supported by an agronomist report. The statewide mapping determines that the site predominantly class 5 agricultural land, with some 5+6 and some class 6 land..
2	Land within the Significant Ag zone should be zoned Agriculture. This does not apply as the site is currently zoned Rural Resource.
3	<p>Considerations against potentially constrained Titles. Should be considered having regard to:</p> <ul style="list-style-type: none"> • Existing and surrounding land use – The existing land use is as a residential lifestyle property. The surrounding land uses are residential to the north and east and some agricultural properties, including forestry, to the south and west. • Isolated from agricultural land – The Title is adjacent to agricultural land. • Current ownership. The property is a single title, The title could be incorporated with some adjoining land holdings although many of them are also residential lifestyle properties. • Agricultural potential – The site is marked as class 5, 5+6 and 6 agricultural land meaning that the potential is limited. • Localised strategic mapping. No site specific strategic mapping has been undertaken.
4	Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer.
5	Titles may be split zoned – The property at less than 20ha is not substantial and so split zoning it is not considered appropriate.
6	The site has not been identified for an alternative zoning. Clause (b) and (d) are not considered relevant for this application. Clause (c) is considered relevant give that part of the site is covered by <i>Eucalyptus amygdalina</i> forest and woodland on sandstone. Given the size of the property, there is limited opportunity for agricultural operations.
7	The land is identified predominantly potentially constrained.

Recommended Action	<p>The site is less than 20ha, and is bounded on the west with the Rural zoned land, and to the north with Rural Living land. Given the limitations for agricultural use, and the limited likelihood of the site being incorporated within a broader agricultural enterprise, it is recommended the site is zoned Rural.</p> <p>The property at 4 Marshton Lane, Copping (CT 224809/3) should be zoned Rural.</p>
Effect of recommendation on draft LPS	<p>There will be no effect on the draft LPS.</p>

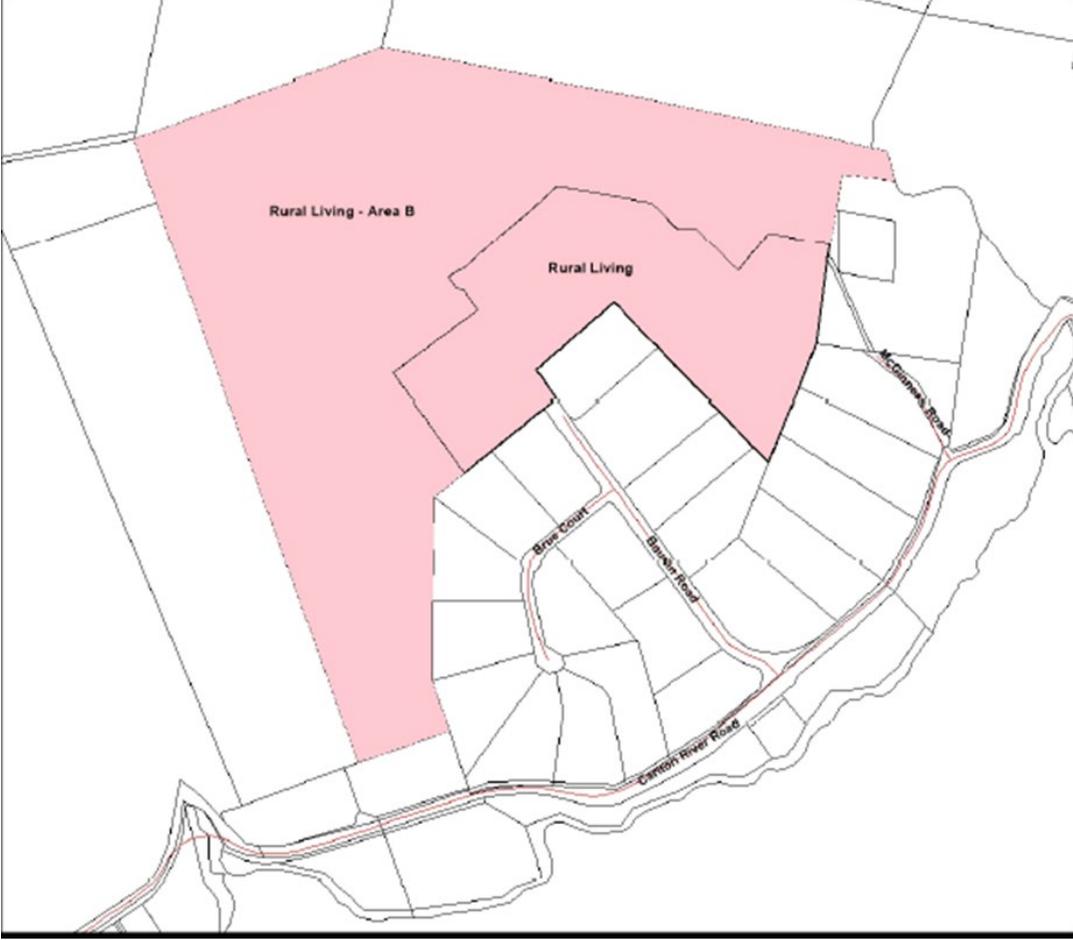
Attachment A - 2 Planning Authorities Recommendation

Representation # and Address	Proposed Change
Representation 3 – various properties.	<p>Apply the Landscape Conservation Zone to Marchwiell #4, 670 Marchwiell Rd - CT 150885/1.</p> <p>Apply the Landscape Conservation Zone to the part of Arthur Highway, CT 209918/1, 206815/1 and 118713/2 that is within Conservation Covenant CPR 8679.</p> <p>Apply the Landscape Conservation Zone to Lot 1 Edward Street, CT 163462/1 and extend zoning across 2876 Arthur Highway (C.T. 237464/1 and 133565/1).</p>
Representation 8 – Tasfire service	That the Bushfire Prone Areas overlay be updated utilising the 2020 mapping. Effect will reduce the extent to which the overlay applies and ensure consistency with the SIPS.
Representation 14 – Lot 1 Old Forcett Road	Part of the property at Lot 1 Old Forcett Road, be rezoned to Local Business, with the inclusion of a SAP as drafted and titled Dodges Ferry Local Industry Specific Area Plan. The area to be rezoned to Local Business is reflected in the map “Proposed Rezone and Specific Area Plan”, by Woolcott Surveyors, dated 25 June 2021.
Representation 15 – Marchwiell Marsh,	The LPS should be modified to include the application of the Environmental Management zone over the entire Marchwiell marsh site (176860/1). The application of the zone can be consistent with the application of the Waterways and coastal protection overlay.
Representation 18, 223 Carlton River Road	That the CT 126929/1 and 126929/2 be rezoned to Low Density Residential.
Representation 20 and 35 - 314 and 316 Marion Bay Road.	Modify the zoning from Agriculture to Rural for: 298 Marion Bay Road, CT 11424/1 316 Marion Bay Road, CT 11424/2 and 314 Marion Bay Road, CT 11424/3.
Representation 26 - 19 Jacobsons Road	The following properties should be zoned Rural: 19 Jacobsons Road, 134924/1 7 Woolleys Road, 24522/1 11 Woolleys Road, 127473/1



	<p>10 Woolleys Road, 133390/1 19 Jacobsons Road, 134924/1 291 Kellevie Road, 130390/2 285 Kellevie Road, 130390/1 8 Jacobsons Road, 205428/1 214 Kellevie Road, 41716/1 180 Kellevie Road, 84398/1.</p>
Representation 31 – 679 Fulham Road,	That the property at 679 Fulham Road, CT 176804/9, be zoned Rural.
Representation 39 – 188 Arthur Highway	The LPS should be modified for the following Titles to be zoned Rural: CT 129450/2 and 129450/1
Representation 40 – 641 Bream Creek Road	<p>Rezone from Agriculture to Rural the following titles: 123071/8, 123071/7, 123071/6, 123073/1, 92286/1, 92287/1, 123071/1, 81319/1, 123071/2. In addition, the following titles nearby should also be zoned Rural: 640 Bream Creek Road, 45311/1 Lot 1 Bream Creek Road, 164879/1 20 Clearys Lane, 129337/1 35 Clearys Lane, 108119/1</p>
Representation 41 – 136 Arthur Highway	Modify the LPS to rezoning the CT 17131/1 to Rural.
Representation 42 – Waterson Lane, Baudin Road, and McGinness Road.	Rezone lots 169070/1 and 119331/1 to Rural Living A and Rural Living D consistent with the following map. If this is not supported, rezone the two titles to Rural.



	
<p>Representation 45, 207, 211 and 215 Marion Bay Road.</p>	<p>No change to the Scenic Protection Overlay. That CT 240667/1, CT 159970/1 and CT 44268/1 be zoned Rural.</p>
<p>Representation 50 – Nugent Road, Wattle Hill (PID 7410440)</p>	<p>CT 30406/10 and 250516/1 should be zoned Rural.</p>



	In addition, in considering the small lots to the west, the following CTs should also be zoned Rural: 30406/1, 30406/2, 30406/3, 30406/4, 181361/1, 181361/2, 30406/7, 30406/8. In addition, the Priority Vegetation Overlay should be applied to the CTs identified above to ensure a level of protection for the Threatened Vegetation Community.										
Representation 53 – Carlton River Road and Primrose Sands	The Rural Zone extend over the properties at CT 169419/2 and CT 169419/3, and CT 172410/99, 172410/15, 172410/16, 172410/17, 172410/50. That the Low Density Residential zone be applied to CT 210947/1.										
Representation 55 – Sorell Bypass, 82 Tasman Highway, and various other properties.	Rezone the road corridor at Sorell Bypass to Utilities. Rezone the land at 82 Tasman Highway which has been proclaimed a Road Corridor under the Roads and Jetties Act as Particular Purpose Zone 2 – Future Road Corridor. The properties at 179029/100, 82303/6, part of 199953/1 and 198549/1 as Utilities.										
Representation 56 – 2588 Tasman Highway, Sorell	Rezone the land CT 7614/2 to Rural. In addition, rezone the parcel of land at 6741/1 to Rural, as this title is not capable of being utilised for Agricultural purposes.										
Representation 58 – 1930 Arthur Highway	CT 139601/1 be split zoned, with the Agriculture zone covering the class 4 land, and the remainder of the property zoned Rural. CT 177871/1 and CT 169922/1 be zoned Rural. The priority vegetation overlay be applied to the areas of threatened vegetation community.										
Representation 59, - Tasnetworks sites.	Zone 65a Tasman Highway Utilities.										
Representation 61 – Arthur Highway and 3 Kidbrook Road.	That the land at CT 114604/2 and 8740/3 should be zoned Rural as previously recommended in Agronomist reports.										
Representation 66 – 2057 Arthur Highway	CT 178879/1 and 238676/1 should be split zoned resulting in the land which is predominantly in native forests, or private timber reserves or plantations being zoned Rural with the remainder in the Agriculture zone. CT 203622/1 be zoned Rural Living A.										
Representation 67 – Application of the Inundation prone areas table.	Modify the LPS so that Table SOR-C11.1 reads as follows: <table border="1" data-bbox="748 1203 2002 1323"> <thead> <tr> <th>Locality</th> <th>High Hazard Band (m AHD)</th> <th>Medium Hazard Band (m AHD)</th> <th>Low Hazard Band (m AHD)</th> <th>Defined Flood Level (m AHD)</th> </tr> </thead> <tbody> <tr> <td>Boomer Bay</td> <td>0.9</td> <td>2.2</td> <td>2.8</td> <td>2.5</td> </tr> </tbody> </table>	Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)	Boomer Bay	0.9	2.2	2.8	2.5
Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)							
Boomer Bay	0.9	2.2	2.8	2.5							



	Carlton	0.9	2.1	2.7	2.4
	Carlton River	1	2.1	2.7	2.4
	Dodges Ferry	0.9	2.1	2.7	2.4
	Dunalley	0.9	2.2	2.8	2.5
	Forcett	0.9	2	2.6	2.3
	Lewisham	0.9	2	2.6	2.3
	Marion Bay	0.9	1.7	2.4	2.1
	Midway Point	0.9	2	2.6	2.3
	Penna	0.9	2	2.6	2.3
	Primrose Sands	0.9	2.1	2.7	2.4
	Sorell	0.9	2	2.6	2.3
	Sorell Average	1	2.2	2.8	2.5
Representation 69 – 499 Bay Road, Marion Bay	CT 157321/1 be zoned Rural. In addition, CT 6956/1, CT 127346/1, 168576/3, 168576/1, 168576/2 and 6956/2 should also be zoned Rural.				
Representation 70 – Lot 1 Arthur Highway (PID 5935403)	That CT 251707/ should be zoned Rural consistent with previous Agronomy advice.				
Representation 74 – various sites.	Rezoning: Tasman Highway, Midway Point (CT 179029/100 and CT 199953/1) to Utilities. 119 Arthur Highway, Dunalley (CT 102982/1) to Village. 9 Bay Street Dunalley (CT74765/5) to Village. 123-125 Arthur Highway (CT74765/6) to Village. 141 Main Road Sorell (CT, 105075/1, 105075/2 and 105075/3 to Open Space. 6 Dubs and Co (Strata Corporation 176681/0 – 30 associated units) to General Residential Zone. PID 2132437, Dunalley Marina Site – rezone from Light Industrial to PPZ – Dunalley Marina.				
Representation 75 – 4 Marshton Lane.	The property at 4 Marshton Lane, Copping (CT 224809/3) should be zoned Rural.				



17.0 ACRONYMNS

ACWC	Arts & Cultural Working Committee
AGM	Annual General Meeting
ASU	Australian Services Union
BEC	Business Enterprise Centre
CAC	Community Administration Centre
CLRS	Councillors
CPR	Cardiopulmonary Resuscitation
CRDSJA	Copping Refuse Disposal Site Joint Authority
DASC	Development Assessment Special Committee
DEDTA	Department Economic Development, Tourism & The Arts
DPAC	Department of Premier & Cabinet
DSG	Department of State Growth
DST	Destination Southern Tasmania
EOI	Expressions of Interest
EPA	Environment Permit Authority
EWaste	Electronic Waste
FMAC	Fire Management Assessment Committee
GM	General Manager
ICT	Information Communication Technology
KAB	Keep Australia Beautiful
LGAT	Local Government Association of Tasmania
LPS	Local Provisions Schedule
LTFP	Long Term Financial Plan
LTI	Lost Time Injury
MAST	Marine & Safety Tasmania
MERS	Manager Engineering & Regulatory Services
MEMC	Municipal Emergency Management Committee
NBN	National Broadband Network
NRM	Natural Resource Management
PCYC	Police & Citizens Youth Club
RDA	Regional Development Australia
RSL	Returned Services League
RTI	Right to Information
SEI	South East Irrigation
SERDA	South East Region Development Association
SES	State Emergency Service
SMH	Sorell Memorial Hall
SMT	Senior Management Team
STAARC	Sorell/Tasman Affected Area Recovery Committee
STCA	Southern Tasmanian Councils Association
SWSA	Southern Waste Strategy Association
SWS	Southern Waste Solutions
TCF	Tasmanian Community Fund
TOR	Terms of Reference

