

From: [Danielle Gray](#)
To: [Sorell Council](#)
Subject: Sorell Draft Local Provisions Schedule Representation Gray Planning obo N D Jackman Pty Ltd
Date: Monday, 16 August 2021 2:33:17 PM
Attachments: [Final 2588 Tasman Highway draft LPS representation Gray Planning on behalf of Jackman 16.08.2021.pdf](#)
[FolioPlan-7614-2.pdf](#)
[FolioText-7614-2.pdf](#)
[PremiumPropertyReport-7614-2.pdf](#)
[ScheduleOfEasements-7614-2.pdf](#)

To the attention of the General Manager

Dear Sir

Gray Planning has been engaged by the owners of 2588 Tasman Highway, Sorell to submit a representation regarding the draft LPS documents.

Please find attached a representation regarding the currently advertised Sorell Draft Local Provisions Schedule as it relates to the proposed zoning of 2588 Tasman Highway owned by Andrea and Noel Jackman of N D Jackman Pty Ltd.

If you wish to discuss, I may be contacted on 0439 342 696.

Regards

Danielle

On behalf of Ms Kristine Clark-Oates

Danielle Gray B.Env.Des, MTP, MPIA

Principal Consultant

Gray Planning

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P: 03 6288 8449

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A: 224 Warwick St, West Hobart, TAS, 7000

SEARCH OF TORRENS TITLE

VOLUME 7614	FOLIO 2
EDITION 5	DATE OF ISSUE 18-Sep-2017

SEARCH DATE : 16-Aug-2021

SEARCH TIME : 11.02 AM

DESCRIPTION OF LAND

Parish of SORELL, Land District of PEMBROKE
 Lot 2 on Sealed Plan 7614
 Derivation : Part of 570 Acres Gtd. to T.A. Wolstenholme (Earl of Macclesfield) & Anor.
 Prior CT 3513/45

SCHEDULE 1

B591973 M653849 N.D. JACKMAN PTY. LTD. Registered
 18-Sep-2017 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 7614 EASEMENTS in Schedule of Easements
 SP 7614 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 SP15635 BURDENING EASEMENT: Right of Carriageway [appurtenant
 to Lot 1 on Sealed Plan No.15635) over the Rights of
 Way 3.05 and 3.60 wide on Sealed Plan No.15635
 B603962 MORTGAGE to Wayne Lindsay McDonald and Tracey Ann
 McDonald Registered 07-Dec-1992 at noon
 E101287 MORTGAGE to Commonwealth Bank of Australia
 Registered 18-Sep-2017 at 12.01 PM
 E101286 VARIATION OF PRIORITY - the priority between
 themselves of the following mortgages in so far as
 they affect the land herein is varied as follows:
 Mortgage E101287 ranks first and B603962 ranks second
 Registered 18-Sep-2017 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

7



SCHEDULE OF EASEMENTS

S.P 7614
Plan No.
S.P 7614

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

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

EASEMENT

Lot 2 on the Plan is subject to an existing Right of Carriageway in favour of the Metropolitan Water Board over the Right of Way 3.05 metres wide shown passing through the said Lot 2 on the plan, such Right of Way being more particularly set forth in Indenture of Grant of Easement Registered Number 43/4288.

No other Easements, no Covenants and no profits a prendre are created to benefit or burden the Lots shown on the Plan.

SIGNED by **HILDA MARY COOPER**

the Registered Proprietor of
the land comprised in Indenture
of Conveyance Registered Number

8312
26/8311.

H.M. Cooper

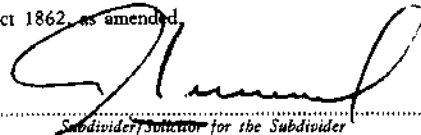

15 Greenock Road

Police Officer

*15 Greenock Road,
Greenock, Tas.*

7614

Certified correct for the purposes of the Real Property Act 1862, as amended.


Subdivider/Donor for the SubdividerThis is the schedule of easements attached to the plan of Hilda Mary Cooper
(Insert Subdivider's Full Name)Lot 2 & Right of Way affecting land in
Conveyance 26/03/74
(Insert Title Reference)Sealed by Municipality of Sorrell on 18 September 75
Council Clerk/Town Clerk

86100

7614

PLAN OF SURVEY

Owner: Hilda Mary Cooper

PLAN OF SURVEY
by Surveyor J. B. Medbury
of land situated in the

Registered Number:

S.P 7614

Title Reference: Conv: 26/0313-8312

LAND DISTRICT - PEMBROKE

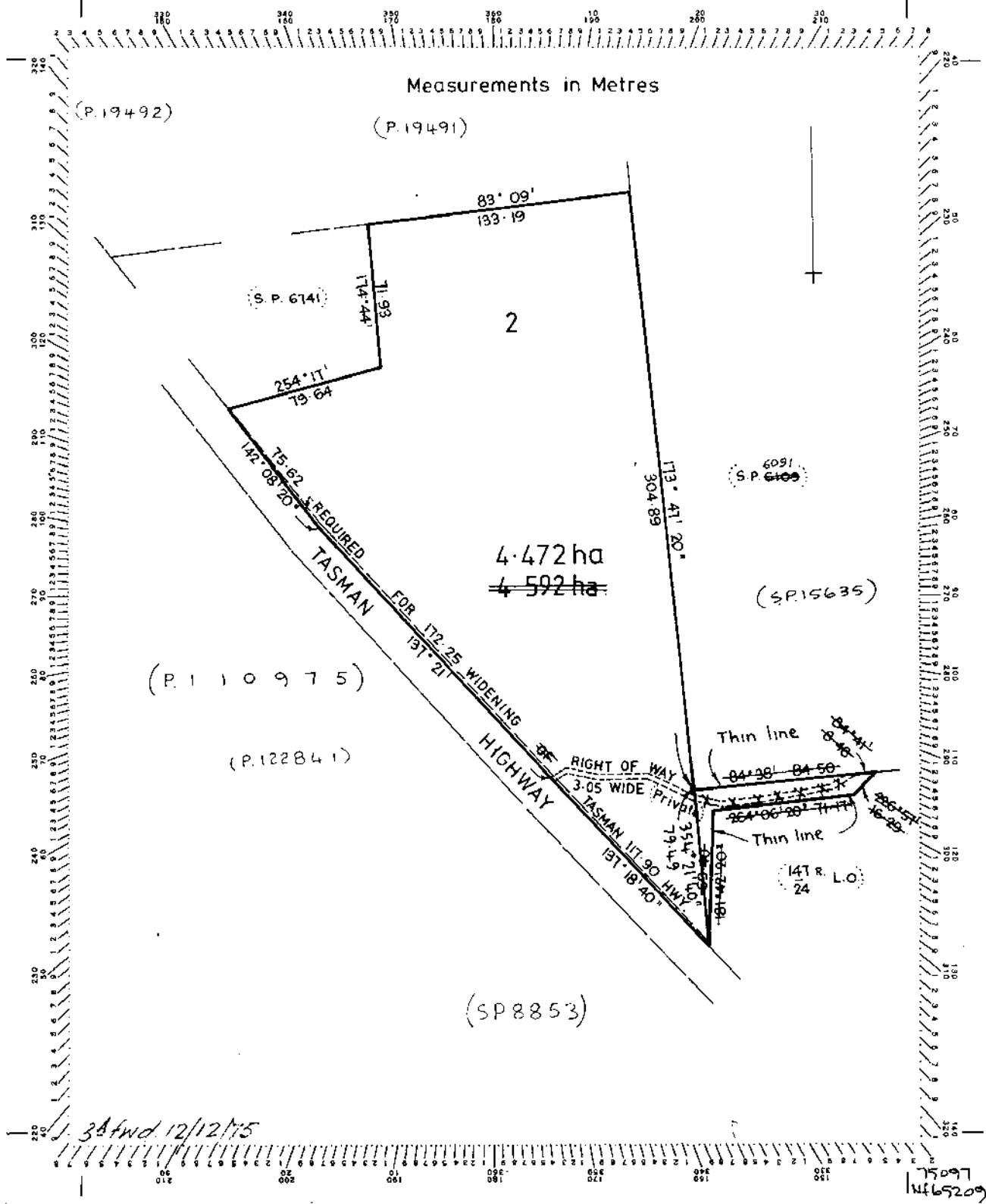
Effective from: 6 FEB 1976

Grantee: Part of 570 ac. Gtd. to
Thomas Augustus Wolsten-
holm & Henry Goodford.

PARISH - SORELL
& TOWN OF SORELL
Scale 1:2000

P/I

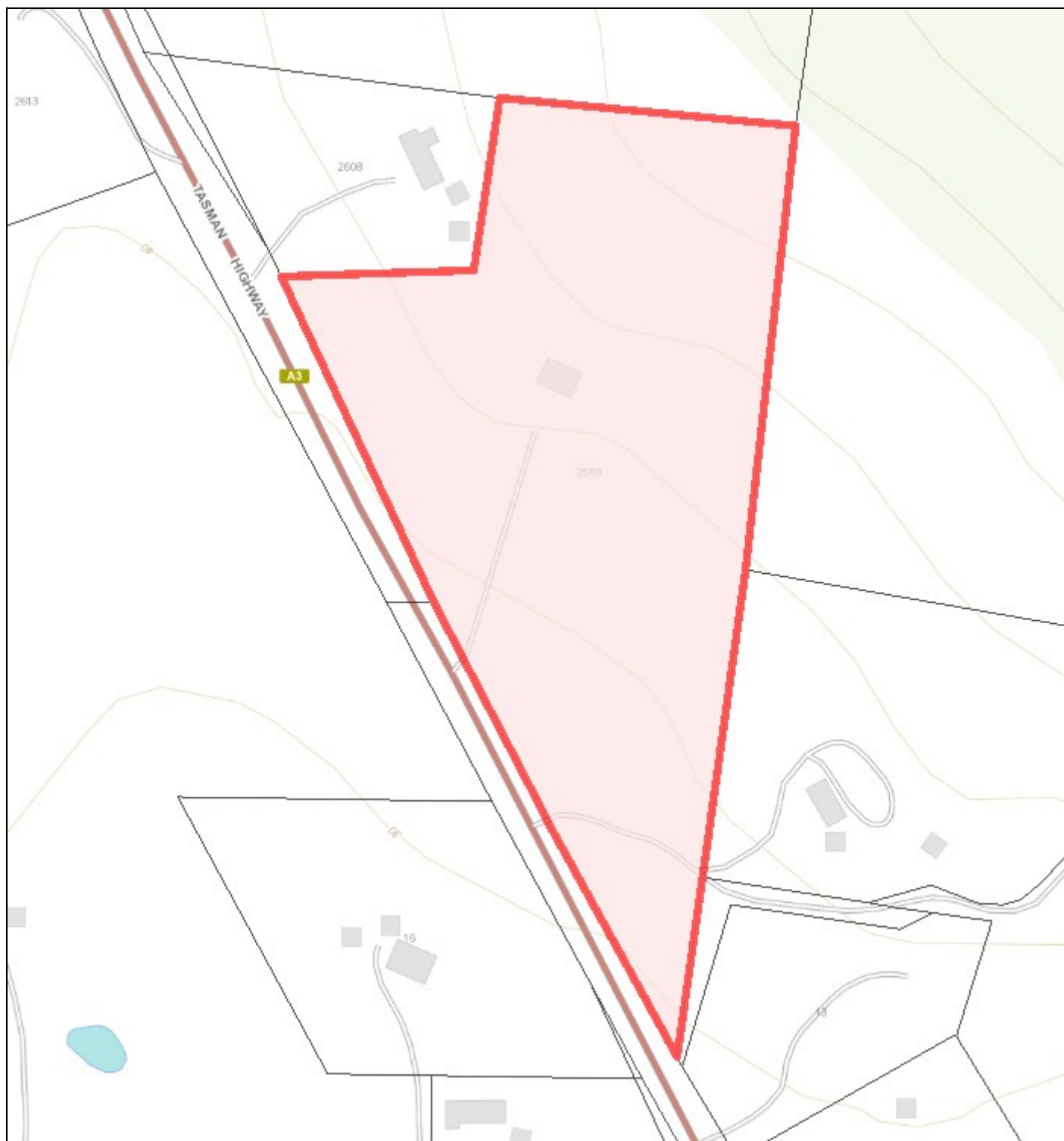
Recorder of titles



PROPERTY ID: **7822066**

PROPERTY ADDRESS: **2588 TASMAN HIGHWAY
SORELL TAS 7172**

CONSTRUCTION YEAR: **1993**



PREMIUM PROPERTY Information Report

PROPERTY DETAILS - 2588 TASMAN HWY SORELL

Property Name:**Land Use:** Residential - DWELLING & FLAT/S (valuation purposes only)**Improvements:** DWELLING & FLAT**Improvement Sizes
(Top 3 by Size):**

Improvement:	Area:
HOUSE	166.0 square metres
FLAT	85.0 square metres
GARAGE UNDER	35.0 square metres

Number of Bedrooms: 3**Construction Year of Main Building:** 1993**Roof Material:** Colorbond**Wall Material:** Brick Veneer**Land Area:** 4.472 hectares**Title References:** 7614/2**Municipality:** SORELL [View Municipality Information Report](#)**Title owner:** 7614/2 : N.D. JACKMAN PTY. LTD.**Interested parties:** N.D. JACKMAN PTY. LTD.**Postal address:
(Interested Parties)** 137 ACTON RD
ACTON PARK TAS 7170

OWNERSHIP HISTORY - 2588 TASMAN HWY SORELL

TYPE	NAME	ADDRESS	FROM	TO
Ownership	N.D. JACKMAN PTY. LTD.	137 ACTON RD ACTON PARK TAS 7170	14/09/2017	
Ownership	N D JACKMAN PTY LTD	137 ACTON RD ACTON PARK TAS 7170	28/07/1992	14/09/2017
Ownership	KENNETH WILLIAM REYNOLDS	2588 TASMAN HIGHWAY SORELL TAS 7172	15/04/1992	28/07/1992

PROPERTY SALES - 2588 TASMAN HWY SORELL

CONTRACT DATE	REAL ESTATE	CHATELS	OTHER	SETTLEMENT DATE
27/03/1992	\$54,000			28/07/1992

SALES STATISTICS - (Residential - DWELLING & FLAT/S) - SORELL (Last 12 Months)

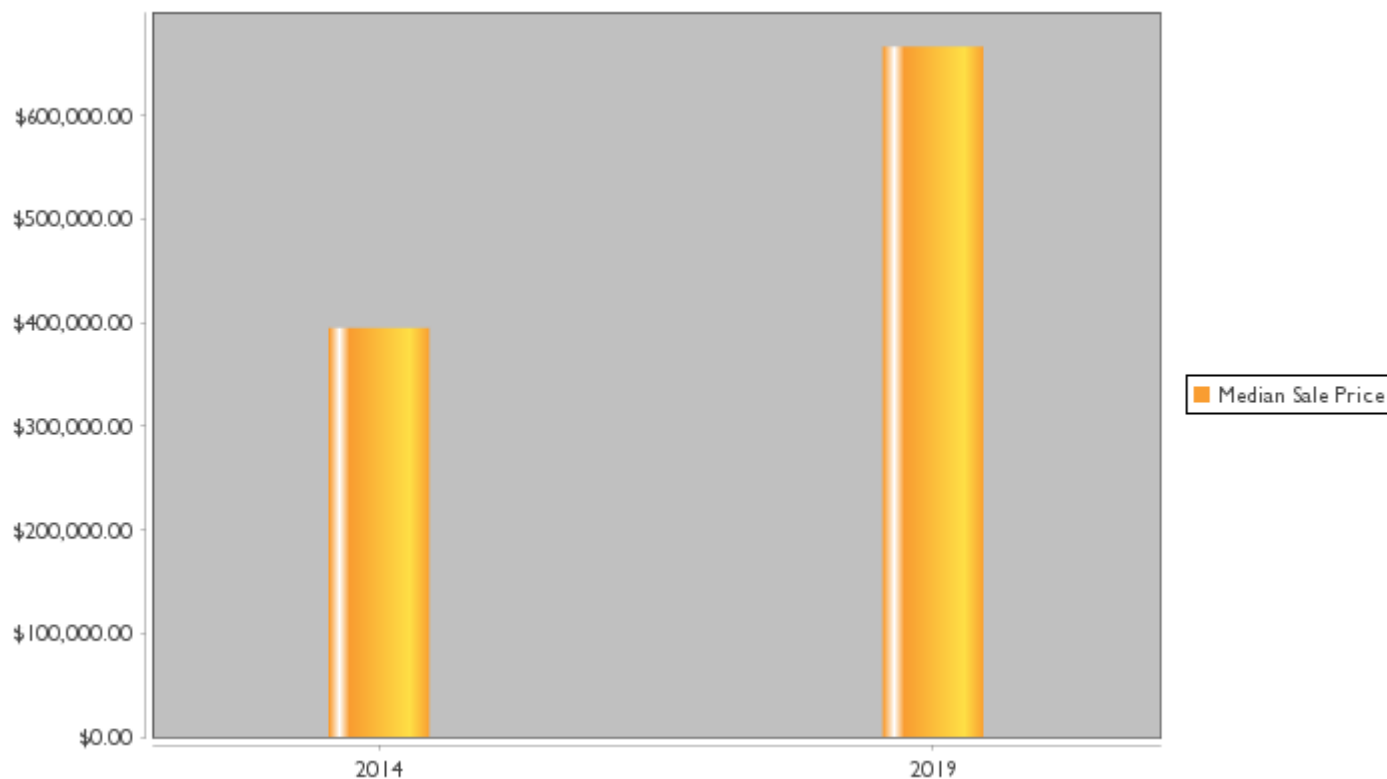
Number of Sales: 0**Highest Sales Price:****Median Sales Price:****Mean Sales Price:****Lowest Sales Price:**

PREMIUM PROPERTY Information Report

LAST 5 SALES - (Residential) - SORELL [View in LISTmap](#)

ADDRESS	CONTRACT DATE	SALE PRICE
49 SHARK POINT RD SORELL TAS 7172	10/05/2021	\$952,000
19 PENNINGTON DR SORELL TAS 7172	01/12/2020	\$705,000
20 ARTHUR HWY SORELL TAS 7172	23/10/2020	\$3,550,000

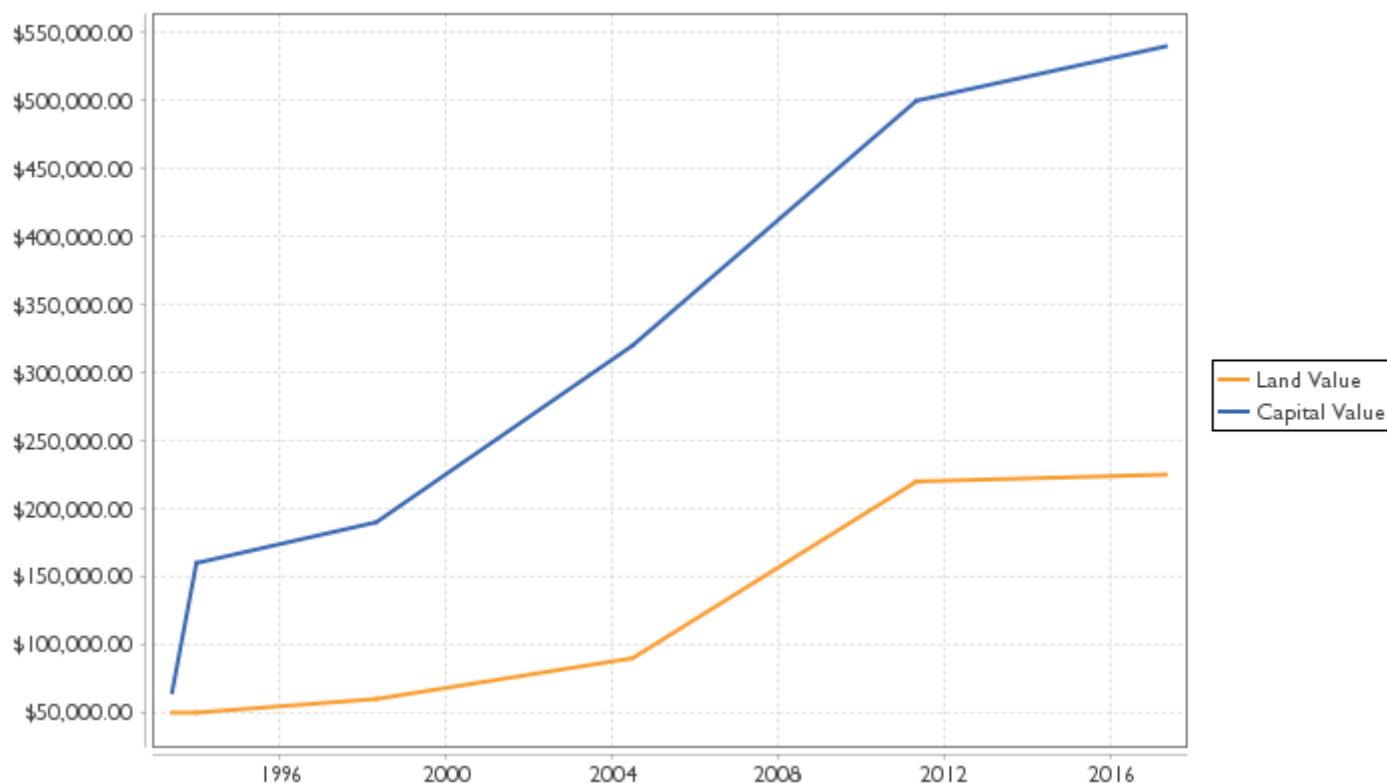
SALES TRENDS - (Residential - DWELLING & FLAT/S) - SORELL (Last 10 Years)



PREMIUM PROPERTY Information Report

PROPERTY VALUATIONS - 2588 TASMAN HWY SORELL

DATE INSPECTED	LEVELS AT	LAND	CAPITAL	AAV	REASON
11/11/2016	01/07/2016	\$225,000	\$540,000	\$22,880	REVALUATION
22/07/2010	01/07/2010	\$220,000	\$500,000	\$21,320	REVALUATION
14/10/2003	01/10/2003	\$90,000	\$320,000	\$13,000	REVAL
05/06/1997	01/07/1997	\$60,000	\$190,000	\$10,920	REVALUATION
24/11/1993	01/07/1993	\$50,000	\$160,000	\$9,880	HOUSE COMPLETED
11/12/1992	01/07/1993	\$50,000	\$65,000	\$2,600	REVAL 93



AERIAL IMAGERY



MULTIPLE TENANCIES

PROPERTY ID	PART OCCUPIED	AAV
1441553	FLAT	\$7,280
1441537	HOUSE	\$15,600

PREMIUM PROPERTY Information Report

Explanation of Terms

Property ID	A unique number used for Valuation purposes.
Date Inspected	The date the property was inspected for the valuation.
Levels At	Levels At - or Levels of Valuation Date means the date at which values of properties are determined for all valuations in a Municipal Area.
Land Value	Land Value is the value of the property including drainage, excavation, filling, reclamation, clearing and any other invisible improvements made to the land. It excludes all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees and pastures and other like improvements.
Capital Value	Capital Value is the total value of the property (including the land value), excluding plant and machinery.
AAV	Assessed Annual Value. AAV is the gross annual rental value of the property excluding GST, municipal rates, land tax and fixed water and sewerage, but cannot be less than 4% of the capital value.
Interested Parties	This is a list of persons who have been recorded by the Valuer-General as having interest in the property (ie owner or Government agency).
Postal Address	This is the last advised postal address for the interested parties.
Multiple Tenancies	Properties that have multiple tenants are assessed for separate AAV's. e.g. a house and flat.
Similar Criteria	Properties in the same locality with a Capital Value within a range of 10% of the property.

No information obtained from the LIST may be used for direct marketing purposes.

Much of this data is derived from the Valuation Rolls maintained by the Valuer-General under the provisions of the Valuation of Land Act 2001. The values shown on this report are as at the Levels At date.

While all reasonable care has been taken in collecting and recording the information shown above, this Department assumes no liability resulting from any errors or omissions in this information or from its use in any way.

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

16 August 2021

General Manager
Sorell Council
PO Box 126
Sorell TAS 7172

Dear Mr Higgins,

Representation for advertised draft Local Provision Schedule (LPS) documents, Sorell Council with respect to proposed zoning of 2588 Tasman Highway, Sorell.

Gray Planning has been engaged by the owners of 2588 Tasman Highway, Sorell Andrea and Noel Jackman of N D Jackman Pty Ltd to submit a representation that objects to the proposed Agriculture zoning as proposed in the zone mapping provided as part of the draft LPS documentations currently being advertised by Sorell Council.

The owners of the subject site strongly oppose the rezoning of their property from the current Rural Resource zone to the proposed zoning of Agriculture as this zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines when considered against the characteristics of the subject site.

Commentary against the current Southern Tasmania Regional Land Use Strategy and TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines is also provided within this representation.

The application of Agriculture zoning to a small parcel of land currently used for the purposes of a dwelling and flat (as per the rating details on the property report) and that is surrounded by residential use and development is considered inappropriate and is not in accordance with the recommended application of the Agriculture zone as outlined in the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines.

On that basis, this representation opposes the proposed Agriculture zoning of the subject site as proposed under the advertised draft LPS documentation.



The subject site

The subject site is 2588 Tasman Highway, Sorell (CT-7614/2) and has been owned by the current owners since 1992.

The subject site measures a total of 4.472 hectares.

The site is rated as having a land use of 'Dwelling and Flat'.

The subject site is surrounded by properties of various sizes and configurations with the primary land use being residential.

Current land zonings within 150m of the title boundaries of the subject site vary significantly and range from Significant Agriculture, Rural Living, Utilities, Rural Resource and General Residential.



Figure.1. The subject site 2588 Tasman Highway is shown outlined. Existing residential development less than 150m to the south east of the subject site is clearly apparent while Rural Living zoned land is apparent to the south west of the subject site. Source: TheList, sourced August 2021, no nominated scale.





Figure.2. The subject site 2588 Tasman Highway is shown outlined. Source: TheList, sourced August 2021, no nominated scale.

The subject site contains a dwelling and flat constructed in 1993, according to The List property report.

The total site area is 4.472 hectares and is contained within a triangular configuration with the title for the subject site being issued in 1976 (45 years ago).

The subject site is surrounded in all directions by residential development in the form of dwellings on a variety of lot sizes. There is no agricultural use of the subject site (and no recent history of the subject site having any agricultural use).

There is no apparent agricultural use of neighbouring properties.

The subject site contains native vegetation that covers around two thirds of the overall site area.

The southern part of the subject site has a burdening right of way that provides legal access to an adjoining residential property. This right of way of shown in the title plan shown at Figure 3 in this representation.



As a result of the existence of this right of way on the subject site, around 3000sqm of land within the subject site is divorced from the remainder of the property to ensure that legal access for the adjoining property remains open and unimpeded at all times. This adds an additional constraint to the subject site.

The subject site has a relatively steep gradient that falls toward south with a gradient that falls from a contour of around 78 down to a contour of 30 in the southern portion of the subject site. This equates to a gradient variation of around 45+ metres across the site and results in a site gradient of around 1 in 7.

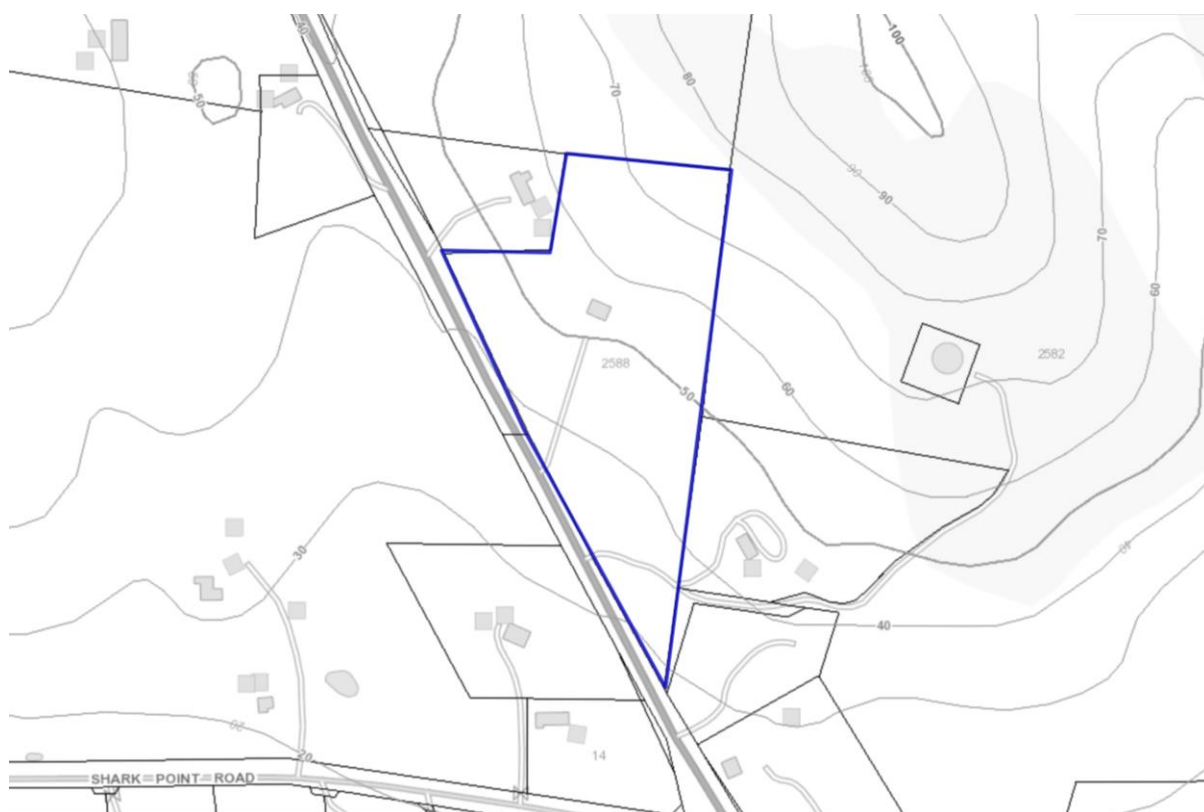


Figure.4. Site contours for the subject site (shown outlined) showing a moderately steep gradient that falls toward north. Source: TheList, sourced August 2021, not to any nominated scale.



Current zoning

The subject site is currently zoned Rural Resource under the *Sorell Interim Planning Scheme 2015*.

This zoning is applied in adjacent properties to the east where properties experience moderate to steep and undulating gradients and also have native vegetation cover.

It would currently appear that the Rural Resource zoning has been applied by Council to land that is not considered to have characteristics conducive to agricultural use because of tree cover, gradient and topography.

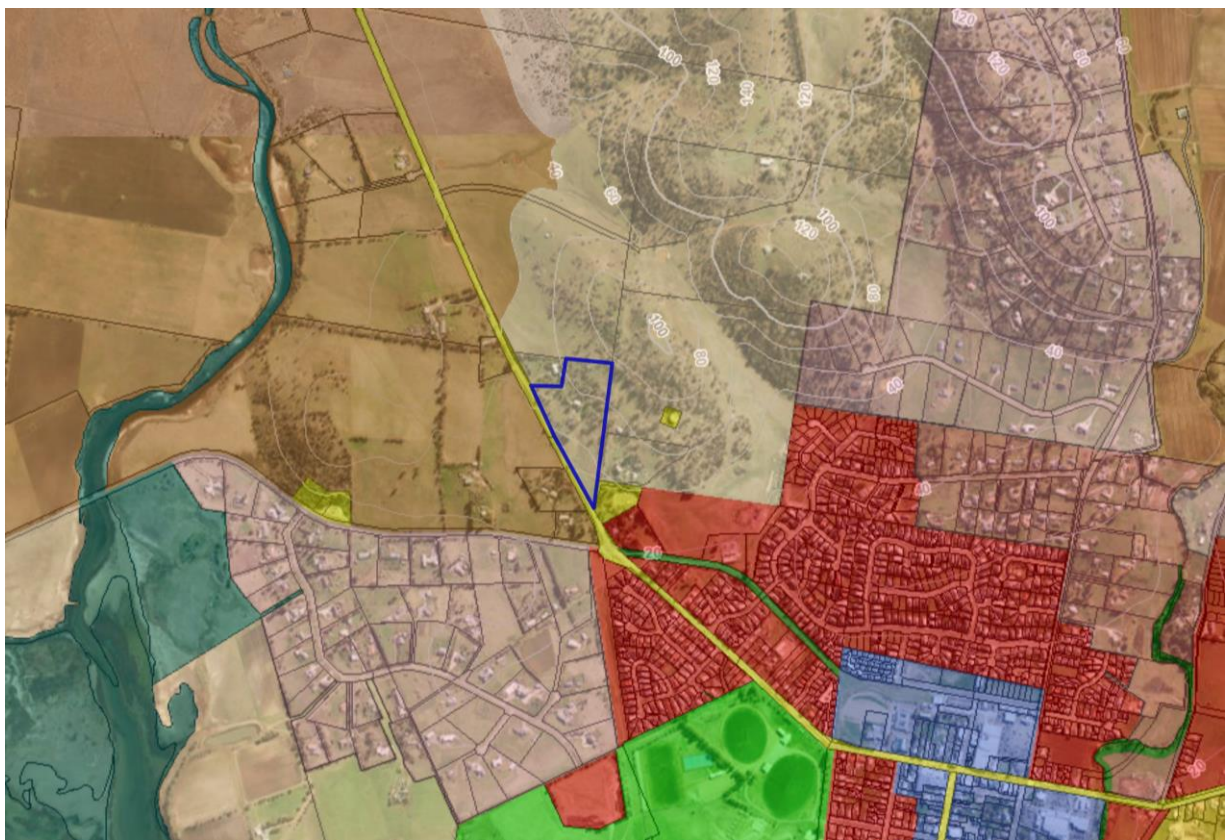


Figure.5. Zoning of the subject site (shown outlined) being Rural Resource and in close proximity to General Residential zoned land (red) and Rural Living zoned land (pink). Land to the west and north west is currently zoned Significant Agriculture (brown). Source: TheList, sourced August 2021, no nominated scale.



Proposed zoning under the LPS

The advertised draft LPS for Sorell Council shows the subject site to be rezoned to Agriculture. The Agriculture zone has been applied to properties throughout the area not currently zoned Significant Agriculture as shown below in Figure 6 and also Figure 7.

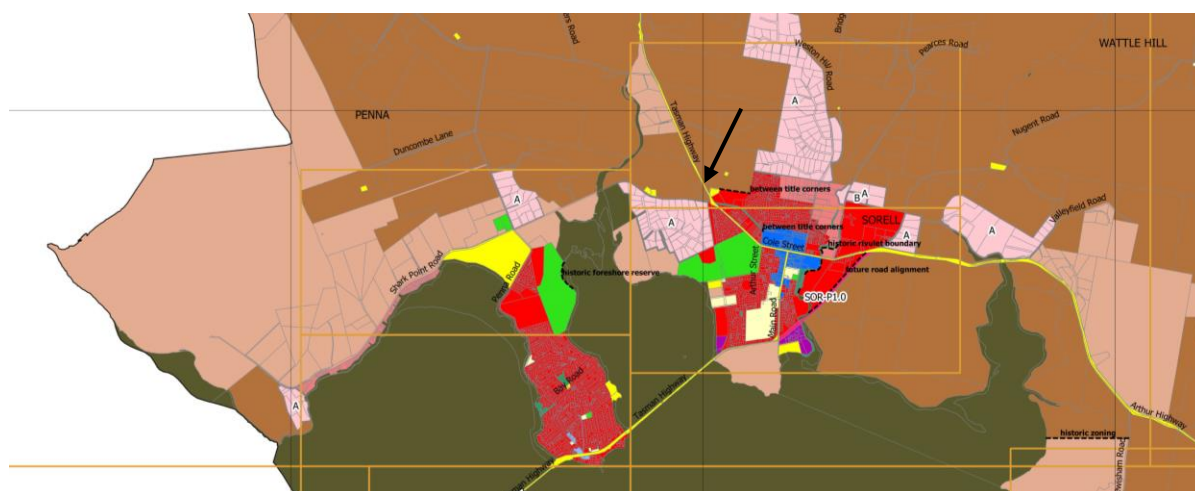


Figure.6. Proposed draft LPS zoning of the subject site (shown arrowed) to be rezoned to Agriculture (dark brown) with properties to the north west of the subject site will be rezoned from Significant Agriculture to Rural (light brown). Source: TheList, sourced August 2021, no nominated scale.



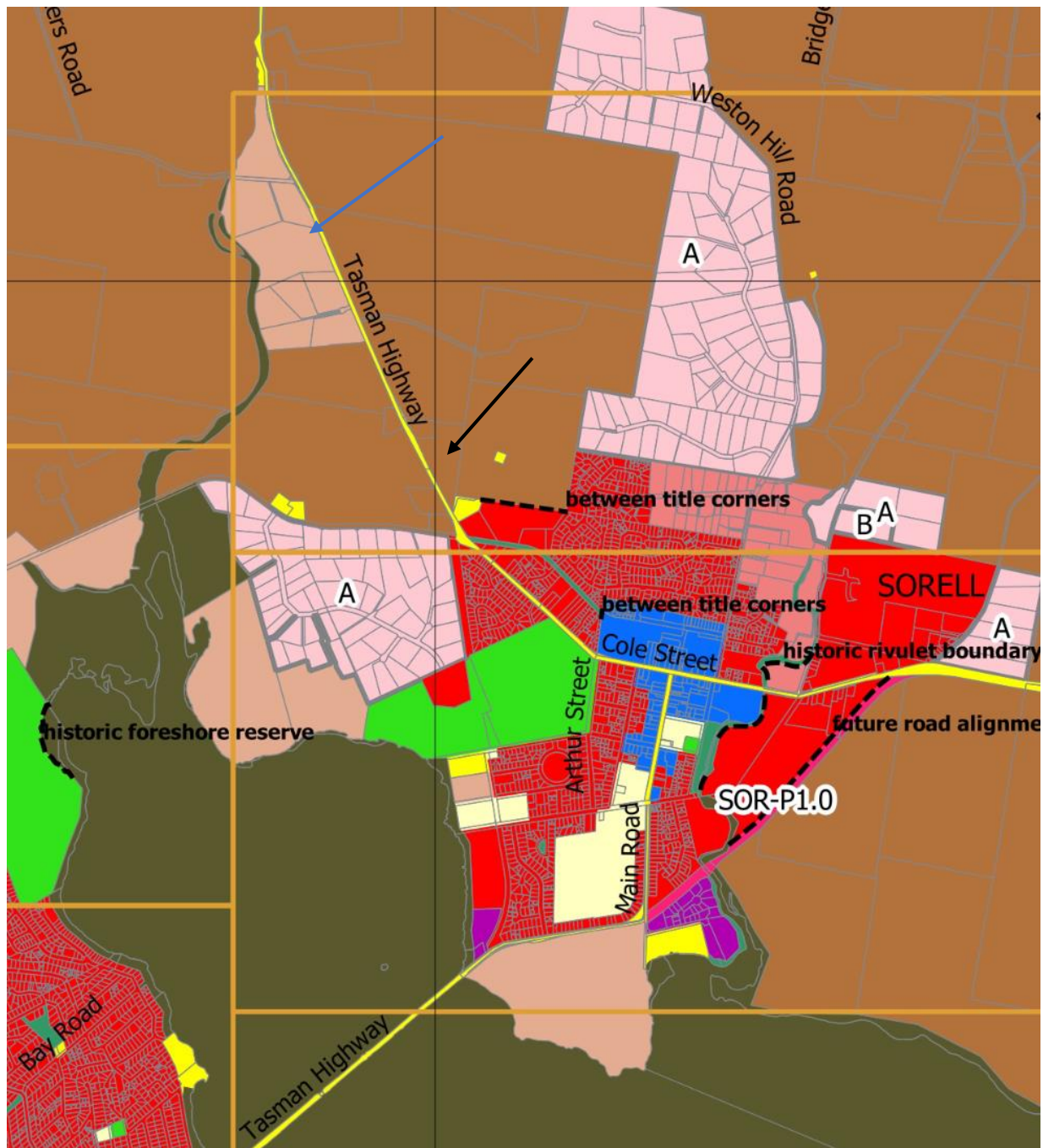


Figure.8. Proposed draft LPS zoning of the subject site (shown arrowed) to be rezoned to Agriculture (dark brown) with properties to the north west of the subject site (arrowed with blue arrow) will be rezoned from Significant Agriculture to Rural (light brown). Source: TheList, sourced August 2021, no nominated scale.



Comparison of current zone maps to proposed draft LPS zone maps show there is inconsistency in the application of the Rural zone and Agriculture zone in the draft LPS.

Properties currently zoned Significant Agriculture that will be rezoned to Rural to the north west of the subject site appear to have no agricultural use and many (but not all) appear to contain a single dwelling). These properties range in size from around 2 hectares to over 8 hectares and appear to be relatively level in gradient and do not contain tree cover. It is unclear why their zoning will be effectively downgraded.


Conversely, the subject site has multiple obvious constraints and measures 4.4 hectares, contains a centrally located dwelling and flat, is an irregular triangular shaped lot, contains remnant native vegetation that covers around two thirds of the site area, has a burdening right of way that impacts 3000sqm of site area and has a moderately steep south facing slope of around 1 in 7. It is unclear therefore why the subject site will go to a higher level of agricultural zoning despite these constraints while other properties in the surrounding area will go to a lower level of agricultural zoning despite appearing to have far fewer constraints.



Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS

The proposed zoning of the subject site to be rezoned to Agriculture is considered to be clearly contrary to the Tasmanian Planning Commission's Section 8A Guideline No.1 LPS zone and Code application guidelines.

These guidelines outline the following recommendations for land to be zoned Agriculture:

Zone	Zone Purpose	Zone Application Guidelines
21.0 Agriculture Zone  Red 179, Green 113, Blue 59	The purpose of the Agriculture Zone is: 21.1.1 To provide for the use or development of land for agricultural use. 21.1.2 To protect land for the use or development of agricultural use by minimising: (a) conflict with or interference from non-agricultural uses; (b) non-agricultural use or development that precludes the return of the land to agricultural use; and (c) use of land for non-agricultural use in irrigation districts. 21.1.3 To provide for use or development that supports the use of the land for agricultural use.	AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to: (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: (i) incorporates more recent or detailed analysis or mapping; (ii) better aligns with on-ground features; or (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is 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; (b) any other relevant data sets; and (c) any other strategic planning undertaken at a local or regional level 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. AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6. AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;

Zone	Zone Purpose	Zone Application Guidelines
		(b) whether the title is isolated from other agricultural land; (c) current ownership and whether the land is utilised in conjunction with other agricultural land; (d) the agricultural potential of the land; and (e) any analysis or mapping undertaken at a local or regional level 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. AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to: (a) any titles that have or have not been included in the 'Land Potentially Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer; (b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3; (c) outlying titles that are either included or excluded within the 'Land Potentially Suitable for the Agriculture Zone' layer; and (d) larger titles or those with extensive areas of native vegetation cover. AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if: (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed



Zone	Zone Purpose	Zone Application Guidelines
		<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p>(iii) the Agriculture Zone is otherwise not appropriate for the land.</p> <p>AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <p>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone 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;</p> <p>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</p>

Zone	Zone Purpose	Zone Application Guidelines
		<p>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</p> <p>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p>Note: Further details on the Agricultural Land Mapping Project can be found in the <i>Agricultural Land Mapping Project: Background Report, April 2017</i>, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (www.justice.tas.gov.au/tasmanian_planning_reform).</p>

Comments have been made against each of the above guidelines with respect to the proposed rezoning of the subject site to Agriculture:

AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:

(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:

(i) incorporates more recent or detailed analysis or mapping;

(ii) better aligns with on-ground features; or

(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is 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;



Comment: It is unclear if Council have specifically considered the subject site with respect to on ground features, use of the site and demonstrated constraints that appear to have been identified in the 'Land Potentially suitable for Agriculture zone' mapping which notes the site as being Potentially Constrained 2A (see below Figure 9).

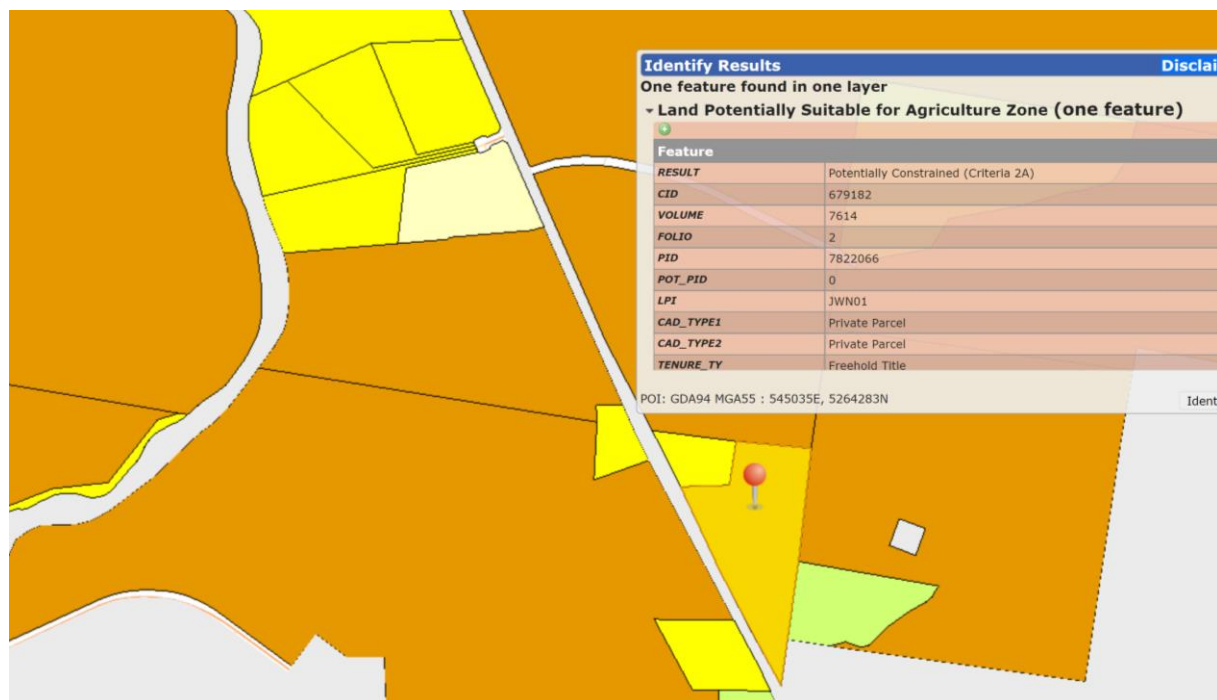


Figure.9. Mapping of the subject site as being Potentially Constrained 2A. Source: TheList, sourced August 2021, no nominated scale.

(b) any other relevant data sets; and

(c) any other strategic planning undertaken at a local or regional level 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.

Comment: It is requested that Council confirm if any more detailed strategic planning with respect to the application of the Agriculture zone has been undertaken.

AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.

Comment: The subject site is not currently zoned Significant Agriculture.



AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;

(b) whether the title is isolated from other agricultural land;

Comment: The subject site is surrounded by other land also noted as being Potentially Constrained as well as land directly adjacent to the south not mapped at all.

(c) current ownership and whether the land is utilised in conjunction with other agricultural land;

Comment: The subject site is privately owned, has no known history of being used for agricultural purposes and has multiple constraints as outlined in this representation. The subject site is not utilised in conjunction with other agricultural land.

(d) the agricultural potential of the land; and

Comment: It is considered the land has very low agricultural potential owing to the constraints highlighted in this representation.

(e) any analysis or mapping undertaken at a local or regional level 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.

Comment: It is requested that Council provide more information to justify the proposed agricultural zoning of the subject site, especially in light of other properties being proposed to be rezoned from Significant Agriculture to Rural.

AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:

(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;

Comment: The subject site is surrounded by other land also noted as being Potentially Constrained as well as land directly adjacent to the south not mapped at all.

(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;

Comment: The subject site is mapped as being Potentially Constrained A2 as well as land directly adjacent.



(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and

Comment: The subject site is adjacent to 2 other parcels of noted as being Unconstrained but with both of these neighbouring titles being of relatively small area (less than 10ha, being directly adjacent to properties containing residential use and development) and also containing native vegetation on moderately steep gradients.

(d) larger titles or those with extensive areas of native vegetation cover.

Comment: The subject site is not a larger title and has approximately 60% native vegetation cover.

AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:

(a) local or regional strategic analysis has identified or justifies the need for an alternate 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;

(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;

(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;

(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or

(e) it can be demonstrated that:

(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;

(ii) there are significant constraints to agricultural use occurring on the land; or

(iii) the Agriculture Zone is otherwise not appropriate for the land.

Comment: The subject site is not a larger title and is not proposed to be split zoned and therefore AZ 5 is irrelevant.



AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:

(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone 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;

Comment: It is requested that Council provide more information as to why the land has been proposed to be rezoned to Agriculture in terms of a more detailed local strategic analysis.

(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;

Comment: The subject site does not have similar characteristics to land mapped as suitable for Agricultural zone and contains multiple constraints as outlined in this representation.

(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or

Comment: The subject site is not appropriate to be zoned Agriculture and has a low potential for any such agricultural use.

(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.

Comment: It is considered that the subject site should not be zoned Agriculture as it is agreed that the land has constraints.



Consideration of the draft LPS and STRLUS

This representation concerns itself with the subject site being proposed to be rezoned to Agriculture under currently advertised draft LPS zone mapping.

The subject site is shown as being adjacent to the Urban Growth Boundary on the following map from the STRLUS mapping Appendix 1.

It is understood that the Tasmanian Planning Commission is currently looking to review the Urban Growth Boundary.

It is considered that locating Agriculture zoned land immediately adjacent to the current Urban Growth Boundary is poor planning practice and may lead to future land use conflict, amenity impacts on existing residential use and development and may also lead to constrained potential for township boundaries to extend in the future.



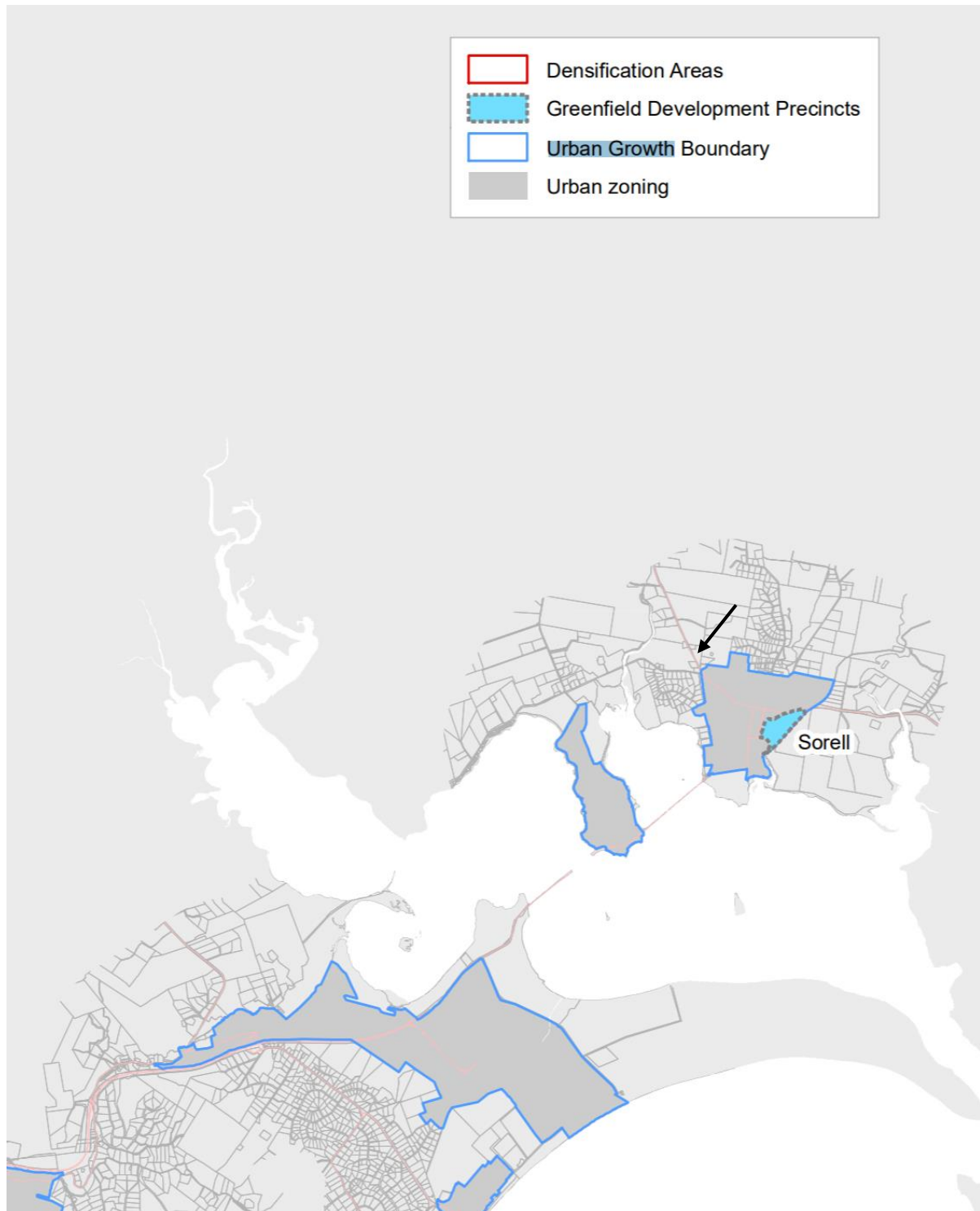


Figure.9. STRLUS mapping of The Urban Growth Boundary as it applies to land in the Sorell municipality. The subject site at 2588 Tasman Highway is arrowed. Source: STRLUS, Attachment 1, Map 10, sourced August 2021, no nominated scale.



Regional Policies

Not rezoning the subject site to Agriculture would not obstruct relevant Regional Policies.

Comments are provided against relevant Regional Policies as follows:

State Policy on Water Quality Management 1997

The objectives of this policy are to:

(a) focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;

(b) ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;

(c) ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;

(d) facilitate and promote integrated catchment management through the achievement of objectives (a) to (c) above; and

(e) apply the precautionary principle to Part 4 of this Policy.

The subject site does not contain any watercourses and is not adjacent to any watercourse.

State Coastal Policy 1996

This policy has three guiding principles:

Natural and cultural values of the coast shall be protected.

The coast shall be used and developed in a sustainable manner.

Integrated management and protection of the coastal zone is a shared responsibility.

The subject site is not in a coastal area as the subject site is more than 1km to the coast (around 1.3km).

State Policy on Protection of Agricultural Land 2009

The subject site is not considered to be agricultural in classification, has no current or recent agricultural use and has a very low likelihood or potential of agricultural use owing to the identified constraints. The subject site has a Land Capability classification of 4 and 5 as shown below. It is considered there would be no obstruction of this Policy by not zoning the subject site Agriculture.



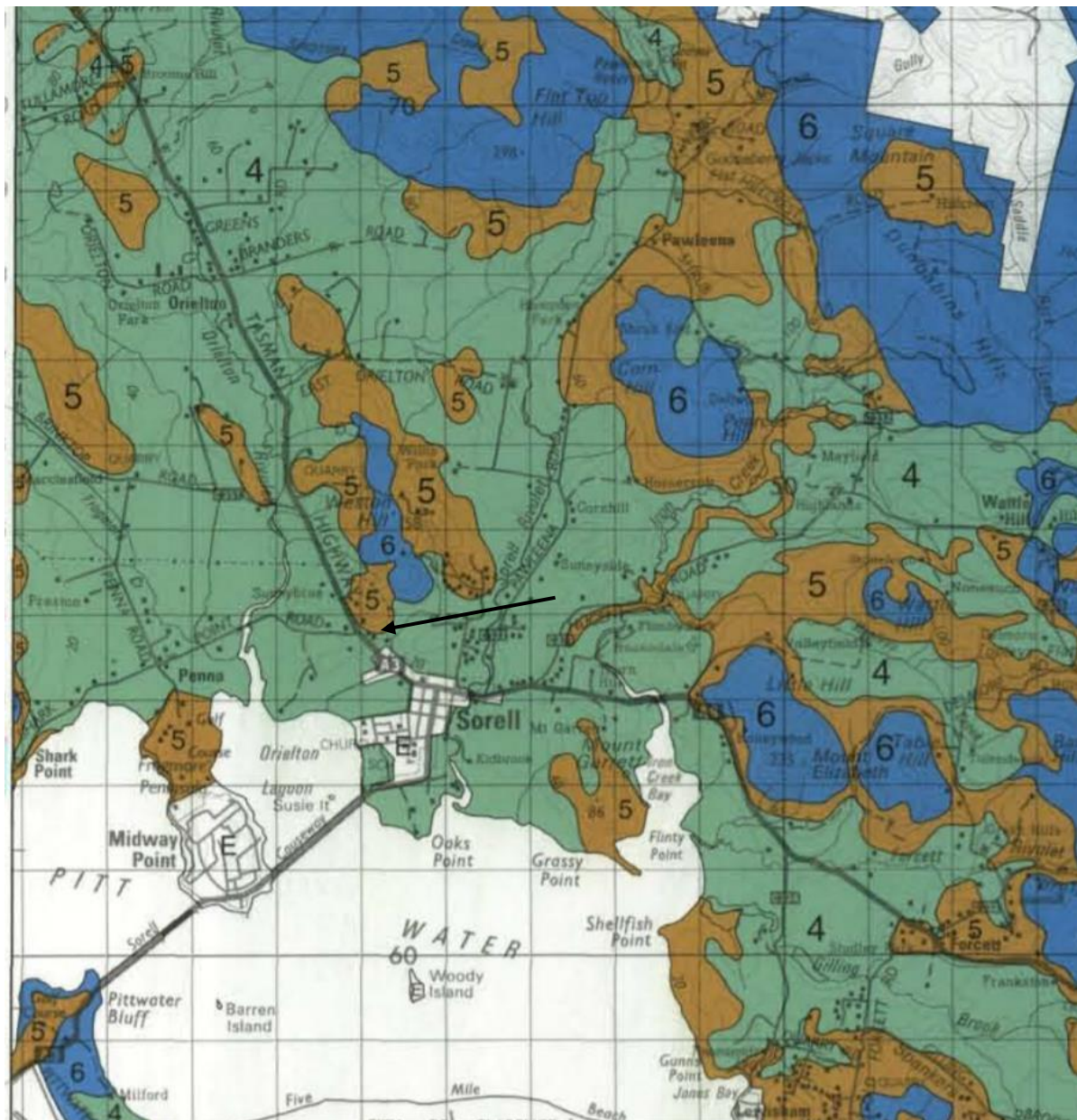


Figure.10. DPIWE mapping of Land Capability with the subject site being mapped as a combination of 4 and 5. The subject site is arrowed.

Source: https://dpiwwe.tas.gov.au/Documents/Land_Cap_Nugent_Map.pdf

sourced August 2021, no nominated scale.



Land mapped as class 4 and 5 are noted as having the following agricultural potential:

CLASS 4

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

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

CLASS 5

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

Source: https://dpiwwe.tas.gov.au/Documents/Land_Cap_Report_Nugent.pdf, sourced August 2021.

Request for the proposed zoning to be reconsidered by Council and the TPC

The owner is requesting that the proposed zoning of the subject site to Agriculture be reconsidered in context of the issues outlined in this representation.

The current and proposed application of the Agriculture zone is considered clearly inappropriate when assessed against the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site characteristics and multiple constraints identified in this representation.



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

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA

Principal Consultant, Gray Planning

On behalf of Andrea and Noel Jackman, N D Jackman Pty Ltd, owners of 2588 Tasman Highway, Sorell



Appendix 1 – Title documents for the subject site (including property report)



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