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16th August 2021

Sorell Council
PO Box 126
SORELL TAS 7172

SORELL COUNCIL

16 AUG 2021

RECEIVED

Dear Sir/Madam,

Re: Draft LPS – Sorell Council Submission

I refer to the above matter and attach for consideration the submission from Sorell Council as per item 4.1 considered by Council at a Special Open Council meeting of 10th August 2021.

If you have any further queries regarding this letter, please do not hesitate to contact me on 62 69 0005.

Yours sincerely,

Robert Higgins
General Manager

4.0 LAND USE PLANNING

4.1 SUBMISSION TO SORELL LOCAL PROVISIONS SCHEDULE

RECOMMENDATION

"That Council endorse the proposed zoning changes to

- I. Tasman Highway, Midway Point – Utilities Zone;
- II. 119 Arthur Highway, Dunalley – Village Zone;
- III. 9 Bay Street, Dunalley – Village Zone;
- IV. 123-125 Arthur Highway, Dunalley – Village Zone;
- V. 141 Main Road, Sorell – Open Space Zone;
- VI. 6 Dubs and Co Drive, Sorell – General Residential Zone; and
- VII. PID 2132437, Dunalley Marina – Particular Purpose Zone Dunalley Marina

as detailed in the following report and that the proposed zoning changes and report be submitted to the Planning Authority as a representation to the Sorell draft Local Provisions Schedule relevant exhibition documents pursuant to Section 35E(1) of the Land Use Planning and Approvals Act 1993."

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Introduction

Sorell Council lodged documentation to the Tasmanian Planning Commission ("TPC") in 2019 for their Local Provisions Schedule ("LPS"). Prior to the exhibition of the LPS a further review of those documents was undertaken which identified some anomalies. In some instances the changes identified have come about from a change in development pattern or use, or strategic documentation supporting a revision.

To maximise the opportunity to have an accurate LPS, Council has chosen to progress a representation to the Sorell LPS which is currently on exhibition until 16 August 2021.

This report provides the detail around the recommended changes to the LPS.

Strategic plan

There will be no significant implications to Council's Strategic Plan.

Annual plan

There will be no significant implications to Council's Annual Plan.

Policy

Relevant policies related to the proposed changes include the following:

- Guideline No. 1, Local Provisions Schedule: zone and code application;



- Southern Tasmanian Regional Land Use Strategy;
- Dunalley and Environs Structure Plan; and
- Sorell Open Space Strategy.

Environmental implications

There are no significant environmental implications from the proposed changes.

Asset management implications

There are no significant asset management implications from the proposed changes.

Risk management implications

There are no significant risk management implications from the proposed changes.

Community implications

A number of the sites are in Council or State Government ownership. A small number, particularly those in Dunalley, and Dubs and Co Drive, are in private ownership.

Statutory implications

Changed zonings will result in different provisions being applicable. Wherever possible this is to reflect current uses on site, or to respond to changes in strategic policy or development since the 2019 version of the LPS was drafted. It is not anticipated that the changed zonings will have a measurable impact on the statutory requirements of the Scheme as they currently apply.

Report

The following sites have been identified as requiring changes to the zoning:

Tasman Highway, Midway Point

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>Community Purpose and General Residential</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>Community Purpose and General Residential</i>
<i>Proposed changed zoning:</i>	<i>Utilities.</i>

As part of the recently approved and under construction Tasman Highway and Penna Road intersection upgrade, a number of changes to lots and usage have occurred in this area. Specifically, 1-3 Fenton Street which accommodated a single dwelling, has been acquired by the Department, with the dwelling being demolished and the newly aligned Penna Road being constructed in this area. In addition, land has been acquired from 5 Fenton Street (Midway Point Church) to accommodate the road.



As part of the Department of State Growth's strategic direction, they have identified the site of CT 179029/100 and CT 199953/1 as being suitable for development for a Park and Ride facility. The property CT 179029/100 is in the ownership of the Crown, completely acquired as part of the previous intersection upgrade works. The site CT 199953/1 is in the ownership of Joseph Thompson who owns many of the subdivision roads in Midway Point. It is considered that when this land was originally subdivided the road transfer documentation did not go through to Sorell Council to ensure the ownership details were correct.

The Park and Ride facility would be adjacent to the new Penna Road/Tasman Highway intersection, and would be well located to serve the community of Midway Point in encouraging increased bus usage. The Park and Ride in this location would be classified as Vehicle Parking.

The current LPS mapping proposes the zoning of much of this site as Community Purpose, with a smaller section zoned General Residential. Vehicle Parking is a discretionary use in the Community Purposes Zone, however, is a prohibited use in the General Residential zone.

It is Council's position that this land should be zoned Utilities, which provides for vehicle parking as a permitted use. The reason behind this is:

- To support a strategic rezoning, that provides for consistency with adjacent zonings;
- To enable the site to be zoned a zone that clearly reflects the acceptable intentions for development opportunities to occur on site. The current zoning of Community Purpose or General Residential is inappropriate given the sites proximity to the road corridor, and the ownership and burdening easements applicable to the land (ie. Being identified as a subdivision road) applying.

To further support this amendment, reference is made to the Southern Tasmanian Regional Land Use Strategy. Of relevance are the following policies:

LUTI 1.8 Ensure new development incorporates buffer distances to regional transport corridors identified in Map 4 to minimise further land use conflict.

LUTI 1.9 Ensure car parking requirements in planning schemes and provision of public car parking is consistent with achieving increased usage of public transport.

The Tasman Highway in this location is identified as a Regional Transport Corridor in Map 3, and a key urban corridor with the community of Midway Point identified as an existing urban area in Map 4. Providing for a Park and Ride in this location will provide for a buffer distance between the newly developed highway and Penna Road intersection. In addition, it will ensure that car parking can be provided to



support the increased usage of public transport. Rezoning the land to Utilities will appropriately reflect these strategic directions.



Figure 1: The land identified for rezoning to Utilities under the Sorell Local Provisions Schedule.

119 Arthur Highway, Dunalley

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>Local Business Zone</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>Local Business Zone</i>
<i>Proposed changed zoning:</i>	<i>Village Zone</i>

This property is in the ownership of Patrick and Elaine McBride. The property is currently used as a service station, existing on the site for many years. The current proposed zoning for the site is Local Business. This is the only Local Business zoned site within the Dunalley area.

To the north of the subject site the zoning is Utilities (for the Arthur Highway) and to the east of the site, the zoning is Community Purpose which provides for the community hall. To the south and west, the zoning is Low Density Residential. Across the Arthur Highway there are notable uses including the Police station (Emergency Services use), residential uses, a church and Primary School.

In considering the current application of the Local Business zone, it is noted that a service station will be a discretionary use within the Local Provisions Schedule. As specified by Guideline No. 1 the Local Provisions Zone should be applied to land in



urban settlements which provide for business, commercial and community functions within local shopping strips, or town centres for some smaller settlements. The Local Business zone may be applied to Local Centres and the lower order minor or neighbourhood centres in the Activity Centre Network under the STRLUS. Dunalley is not identified as a minor or neighbourhood centre, nor does it meet the definition of a Local Centre given the limitations on commercial businesses, food and beverage establishments, and the site is not highly accessible by cycling or walking from the surrounding area. To that end, the zoning appears to be misapplied, and represents a direct translation from the current Interim Planning Scheme (noting that a service station would be a prohibited use under the current IPS).

Conversely the Village zone should be applied to land where there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix. It is not necessary for the village zone to apply to land that is completely serviced, and it may cover a small settlement where no clear town centre existing or is intended to exist. This more accurately reflects the circumstances that exist at this site.

To further support the application of a Village zone, the Dunalley and Environs Structure Plan identified that existing commercial and businesses uses to the north east of the precinct to the service station at 119 Arthur Highway, should be supported. This incorporates both this site, but also at 9 Bay Rd and 123-125 Arthur Highway.

Note: See Figure 2 below for map.

9 Bay Street, Dunalley

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>Low Density Residential Zone</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>Low Density Residential Zone</i>
<i>Proposed changed zoning:</i>	<i>Village Zone</i>

The property at 9 Bay Street is proposed to be zoned Low Density Residential. To the east of the site is 119 Arthur Highway which is proposed to be zoned Local Business but this submission proposes to zone Village; and to the west of the site, the land is zoned Low Density Residential but this submission will recommend 123-125 Arthur Highway also be zoned Village. To the north of the site the land is zoned Utilities reflecting the Arthur Highway road corridor.

The Low Density Residential zone provides for residential use and development in residential areas, or to provide for non-residential uses that do not cause an unreasonable loss of amenity through scale, intensity, noise and traffic generation and movement, or other off site impacts. This strip of land is not predominantly residential in use and strategically, its location on a highway, suggests that residential uses are not the main priority for this area.



The property at 9 Bay Street is used as a canvas shop which is classified in this instance as Manufacturing and Processing. This reflects the fact that this business manufactures canvas goods on site by order. The business has been on the site for many years and is well established.

There is a need to encourage and provide for these uses in a community like Dunalley, particularly considering the nearby marine and farming industries. To that end, even if this use were to leave the site, it would be preferred to see a business use occupy that site in such a prominent location along the Arthur Highway to serve the local community. This is supported by the Dunalley and Environs Structure Plan. The site is easily accessible by cars, has high visibility and in a group of other commercial and business uses. The site should be zoned Village to appropriately reflect the existing use, as well as strategically identify this area for future business and commercial opportunities.

Note: See Figure 2 below for map.

123-125 Arthur Highway, Dunalley

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>Low Density Residential Zone</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>Low Density Residential Zone</i>
<i>Proposed changed zoning:</i>	<i>Village Zone</i>

This site is adjacent to 119 Arthur Highway. It is privately owned by James and Ella Taylor, and has Utilities zoning to the north, Low Density Residential zoning to the east, and Open Space zoning to the south and west. Across the Arthur Highway there are residential properties and a Police Station, Church and School as well as residential properties. This site is proposed to be zoned Low Density Residential.

The site is currently used for a motor mechanics (Service Industry Use) which is prohibited in the Low Density Residential Zoning, but has also had approval for a residential dwelling. The Village zoning on this site would enable the motor mechanics to be classified as a discretionary use with the residential use classified as no permit required.

Further west of the Open Space zone, the land is zoned Village, and Council is proposing to zone 119 Arthur Highway and 9 Bay Road Village as well. This would provide a strategic strip of land zoned Village which appropriately reflect the mix of uses expected in a Village area, and provide appropriate approval pathways for the uses existing on site. Given the sites strategic location on the Arthur Highway entering into the township of Dunalley, the recommendations of the Structure Plan, and the existing uses on site, the Village zone should be applied.



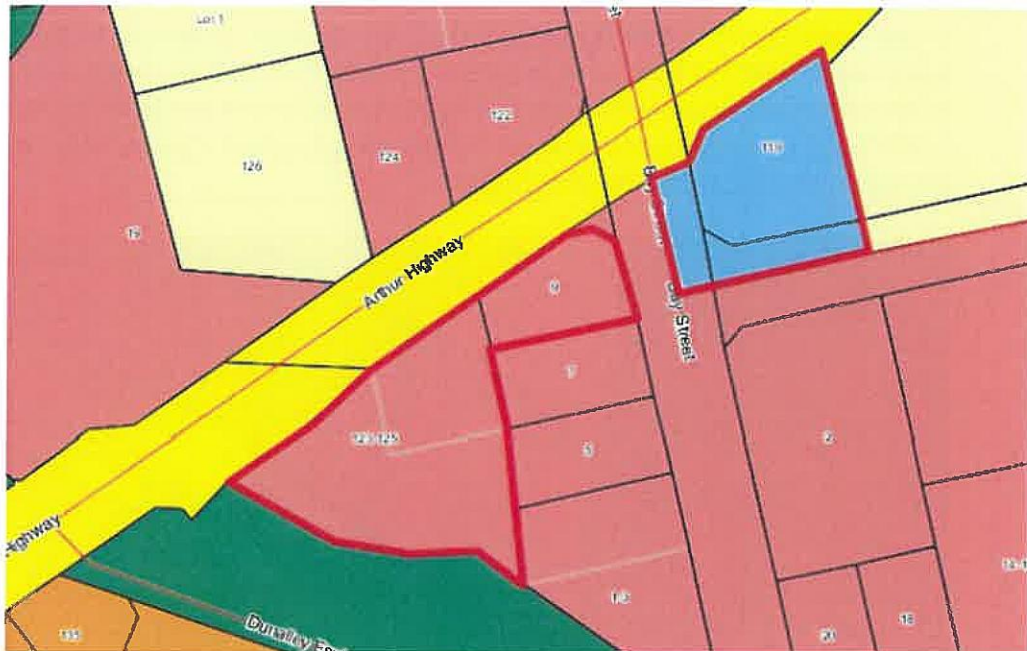


Figure 2: The properties of 119 Arthur Highway, 9 Bay Road, and 123-125 Arthur Highway, Dunalley, to be rezoned to Village.

141 Main Road, Sorell

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>Community Purpose Zone</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>Light Industrial Zone</i>
<i>Proposed changed zoning:</i>	<i>Open Space Zone</i>

This site is in three separate titles (CT 105075/1, 105075/2 and 105075/3) in the ownership of the Sorell Council. The lots are adjacent to a Light Industrial zoned lot to the north which is used as a rural and garden supplies centre, with the Utilities zone applied to the main road to the South. To the west the Environmental Management zone applies, reflecting the foreshore of the Lagoon.

The site is currently vacant and under the Interim Planning Scheme is zoned Community Purpose. The Local Provision Schedule proposes to zone the site Light Industrial, however, there is no formal decision to sell this site to a private developer at this stage. The site has a direct frontage to Main Road, however, it is likely that this may change following the completion of the Sorell Bypass and upgrade works associated with the Causeway.

The site was identified in the Sorell Open Space Strategy 2020 as being unmanaged open space, and its location, adjacent to the Lagoon Link walk provided for some opportunities for facilities such as interpretation regarding the lagoon and walks in the area, wayfinding and seating. Undertaking these works is further supported by the strategy, which aims to provide for connections between open space areas, and improved way finding across the municipality. To that end, this land should be



zoned Open Space to appropriately reflect this strategic direction, as well as the importance that this site has as a gateway to the township of Sorell. As matters evolve regarding the adjoining transport corridor expansion and guiding South East Traffic Solution and development of the adjoining business, Council will revisit the strategic direction of the site accordingly.

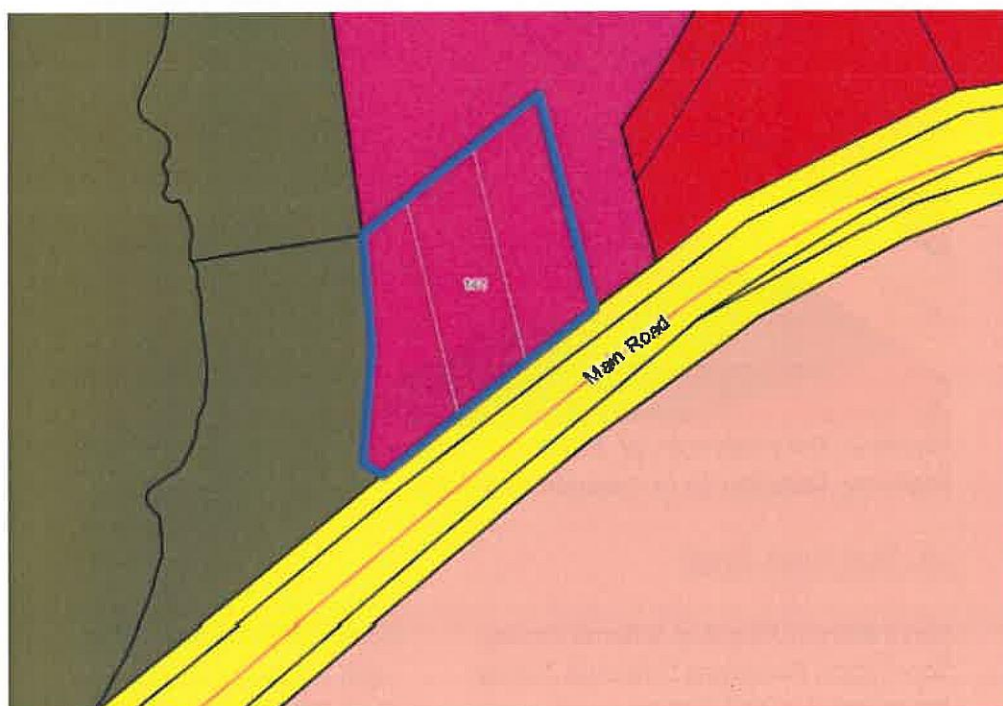


Figure 3: Land currently zoned Light Industrial, proposed to be zoned Open Space.

6 Dubs and Co Drive, Sorell

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>General Business Zone</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>General Business Zone</i>
<i>Proposed changed zoning:</i>	<i>General Residential Zone</i>

This site is zoned General Business and currently accommodates 31 separate multiple dwellings which are individually strata titled. To the north and west of the site the land is zoned General Residential and to the south and east of the site the land is zoned General Residential.

The General Business zone should be applied to land within urban settlements that provides or is intended to provide for business, commercial and community functions.

Multiple dwellings are discretionary within the General Business zone in this context. However more critically, while this site is adjacent to a General Business zone it would be entirely inappropriate to have a range of business uses located



within this unit development. Potential business uses that could occur are varied and include General Retail and hire, Food services, business and professional services, community meeting and entertainment, educational and occasional care, equipment and machinery sales and hire and so forth.

Given the approval of these units some years previously, to minimise potential conflicts between the residential uses and potential business uses that could occur on the site (as permitted or no permit required), this strata development should be zoned General Residential. This would ensure it is consistent with the zoning to the north and west, and reflect the approved and current use on the site. Introducing any business uses to a medium density multiple dwelling development is likely to result in conflicts between residents and business owners and users based around operating hours, car parking and other potential amenity impacts.

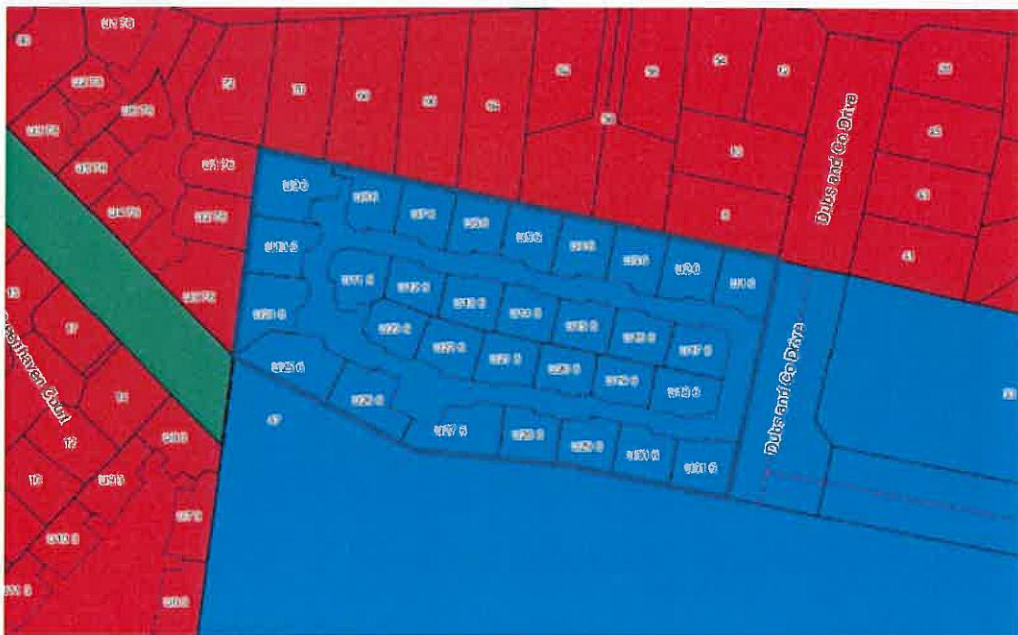


Figure 4: Land zoned General Business proposed to be zoned General Residential.

PID 2132437, DPIPWE land, Dunalley Marina Site

<i>Sorell Interim Planning Scheme Zoning:</i>	<i>Light Industrial</i>
<i>Sorell Local Provisions Schedule Zoning:</i>	<i>Light Industrial</i>
<i>Proposed Changed zoning:</i>	<i>Particular Purpose Zone – Dunalley Marina</i>

Most of the Dunalley Marina Site is zoned Particular Purpose Zone – Dunalley Marina Site. However, in what could be a mapping error, a small triangle of the site (in the order of 5m²) has missed this zoning application and is zoned Light Industrial. This is also the case under the Interim Planning Scheme, with a small section of the site zoned Light Industrial.



Under the Local Provisions Schedule to the north of this site the land is zoned Open Space, to the east it is zoned Environmental Management. To the south and west the PPZ Dunalley Marina Site applies. The site is used as part of the broader marina site for launching and retrieval of boats, and into the future for the expansion of the marina.

To ensure consistency with the adjacent zoning, and to provide for a pragmatic response, this small parcel of land should also be zoned PPZ - Dunalley Marina Site.

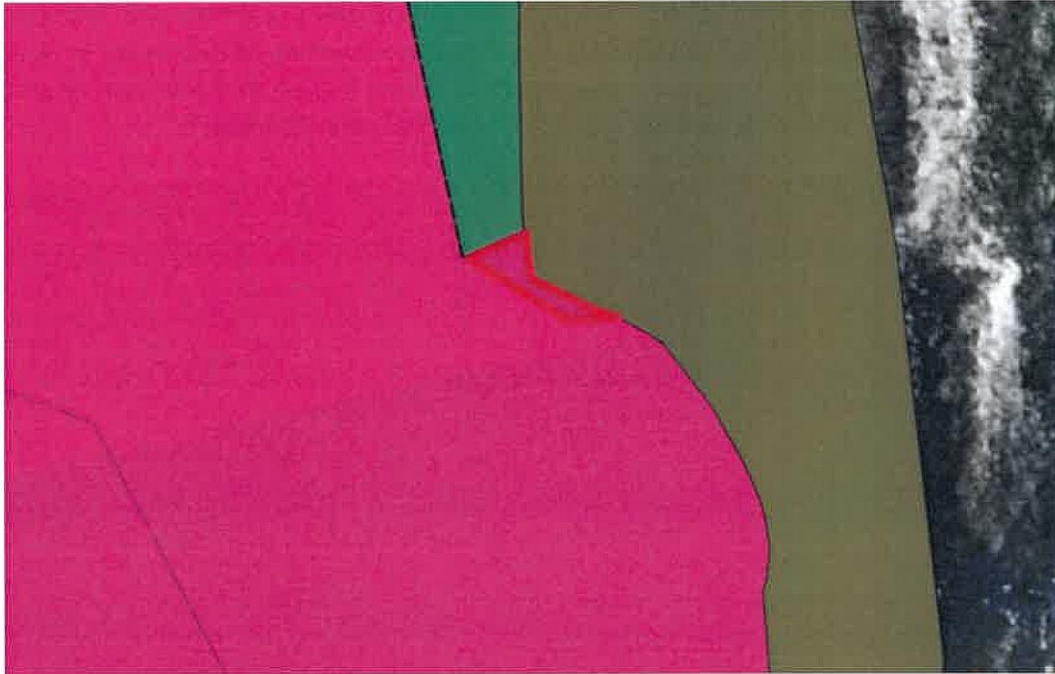


Figure 5: Land zoned Light Industrial to be zoned PPZ – Dunalley Marina Site.

Conclusion

The changes to the proposed mapping and zone application have come about through a revision of the LPS and a consideration of the approved uses on site. This has resulted in some relatively minor zone changes which it is recommended to Council, be submitted as a representation to the LPS. This enables Council to address these preferred changes through the hearing process as the Tasmanian Planning Commission, on the Sorell Local Provisions Schedule.

Caroline Lindus
Consultant Senior Planner
Date: 4 August 2021.



4.0 LAND USE PLANNING

4.1 SUBMISSION TO SORELL LOCAL PROVISIONS SCHEDULE

RECOMMENDATION

"That Council endorse the proposed zoning changes to

- I. Tasman Highway, Midway Point – Utilities Zone;
- II. 119 Arthur Highway, Dunalley – Village Zone;
- III. 9 Bay Street, Dunalley – Village Zone;
- IV. 123-125 Arthur Highway, Dunalley – Village Zone;
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- VII. PID 2132437, Dunalley Marina – Particular Purpose Zone Dunalley Marina

as detailed in the following report and that the proposed zoning changes and report be submitted to the Planning Authority as a representation to the Sorell draft Local Provisions Schedule relevant exhibition documents pursuant to Section 35E(1) of the Land Use Planning and Approvals Act 1993."

105/2021 DEGRASSI/NICHOLS

"That the recommendation be accepted."

The motion was put.

For: Vincent, Reynolds, Degrassi, Jackson, Reed, Nichols

Against: None

The Motion was **CARRIED**

The meeting closed at 5:09pm.

