



PO Box 126  
47 Cole Street  
SORELL TAS 7172  
ABN 12 690 767 695

Telephone 03 6269 0000  
Fax 03 6269 0014  
sorell.council@sorell.tas.gov.au  
www.sorell.tas.gov.au

Our Ref: Sorell LPS  
Your Ref: DOC/22/9617  
Enquiries to: Caroline Lindus

16 February 2022

Mr John Ramsay  
Delegate  
Tasmanian Planning Commission  
GPO Box 1691  
Hobart TAS 7001

Via. Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Mr Ramsay,

## **RE: SORELL LOCAL PROVISIONS SCHEDULE**

Thank you for your correspondence dated 31 January 2022 requesting further confirmation on a number of issues surrounding the Sorell Local Provision Schedule. Please find attached the following responses:

### **Direction Number 1.1**

Council notified all property owners on the 3 February 2022 and requested their written confirmation of the change by 15 February 2022 as directed by the Commission. Confirmation from all landowners has not been received, and in some cases verbal confirmation was received within the timeframe but nothing in writing. This includes a statement from Mr Rainey of 2876 Arthur Highway, that they did not agree with the change in zoning to Landscape Conservation. Furthermore, the owners of Lot 1 Marchwiell Road 'Marchwiell #4' also confirmed in writing that they did not wish to have their land zoned Landscape Conservation. Written confirmation from landowners, where received, is provided in Attachment A.

It is noted that the representation from Conservation Landholders Tasmania Trust gave the impression that the land owners had been notified and were in agreement. Councils recommended changes were prefaced that they were supported by the landowners. It has become clear that this may not have been the case.

### **Direction Number 1.5**

This is to be discussed at the hearing.

### **Direction Number 1.6**

Representation 14 considers the proposal of zoning a parcel of land at Lot 1, Old Forcett Road, Dodges Ferry from Rural Resource to Local Business and the inclusion of a SAP. The

Commission has requested consideration of the SAP against section 32(4) of the Act. This section states:

*(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –  
(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or  
(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

As addressed within the response to the representation within the s35 report, the proposal to rezone this land has come about from the identified need to provide a level of light industrial/business land in the area, particularly to support maritime and agricultural businesses in the surrounding area. The rationale for the inclusion of the SAP as opposed to just the application of the Local Business zone, is to try and differentiate the use of this area from the main local business strip at Dodges Ferry.

In Council's view, the proposal meets the requirements of 32(4) of the Act as the inclusion of the SAP would enable the development of this site in a manner which would have significant social and economic benefits to the municipal area of Sorell. This is due to providing an appropriate location for the development of light industrial and commercial industries, for which we understand there is an established need, and where currently these uses are occurring on residential properties, often without a permit. This would provide an economic boost to the municipality, and in particular to the Southern Beaches which has a rapidly growing permanent population. It will also provide for a more self-sufficient community, enabling more people to live and work in the same place, which has a range of flow on benefits to not only the municipality, but at a broader regional level.

#### **Direction Number 1.7**

The owner of Marchwiell Marsh was notified of the recommended changes to the zoning on 3 February 2022. No formal response was provided. The recommended changes in relation to the Marchwiell Marsh property from a GIS perspective are being made and will be provided to the Commission as soon as they are available.

#### **Direction Number 1.8**

This property was part of an amendment application which is separately being considered at the Tasmanian Planning Commission. As previously considered, the following comments in relation to the State Coastal Policy are provided:

The site is within 1km of the coastline therefore is classified as the coastal zone under the policy. To that end, the State Coastal Policy is applicable for consideration as part of this application.

The policy has three main principles, these are:

*Natural and Cultural Values of the coast shall be protected:*

The site is setback over 500m from the coast, and is separated from the coastline by a road, a number of existing subdivided rural living lots and topographic change with much of the site is over the crest of a hill.

Given the separation from the coastline; the established development between the subject site and the coastline; the ability to implement soil and water management techniques on site; and the fact that any subdivision in a Rural Living zoning would provide for larger lots; with less impervious area than higher density housing; it is considered that the natural and coastal values of the coastline would be protected.

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

The development does not propose the use of the coastline in any manner and so this policy requirement is not applicable.

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

Applicable Codes related to water quality and the coastal zone will continue to apply to this site following the rezoning. These include specific standards related to those environmental values and risks. This is the appropriate mechanism for addressing the protection of the coastal zone.

#### **Direction Number 1.9**

This property at Primrose Sands Road has been subdivided on a number of occasions, with the more substantial subdivision of the site being for 20 lots, occurring in 2015-2016. Since that original permit was issued, the application has been the subject of two minor amendments, one in relation to the wording of a condition, and the second in relation to staging. Documentation regarding this subdivision can be found in this link which will also be emailed separately.

[https://sorellcouncil-my.sharepoint.com/:f/r/personal/caroline\\_lindus\\_sorell\\_tas\\_gov\\_au/Documents/Representation%2053%20Response,%20Subdivision%20docs?csf=1&web=1&e=f6tLKp](https://sorellcouncil-my.sharepoint.com/:f/r/personal/caroline_lindus_sorell_tas_gov_au/Documents/Representation%2053%20Response,%20Subdivision%20docs?csf=1&web=1&e=f6tLKp)

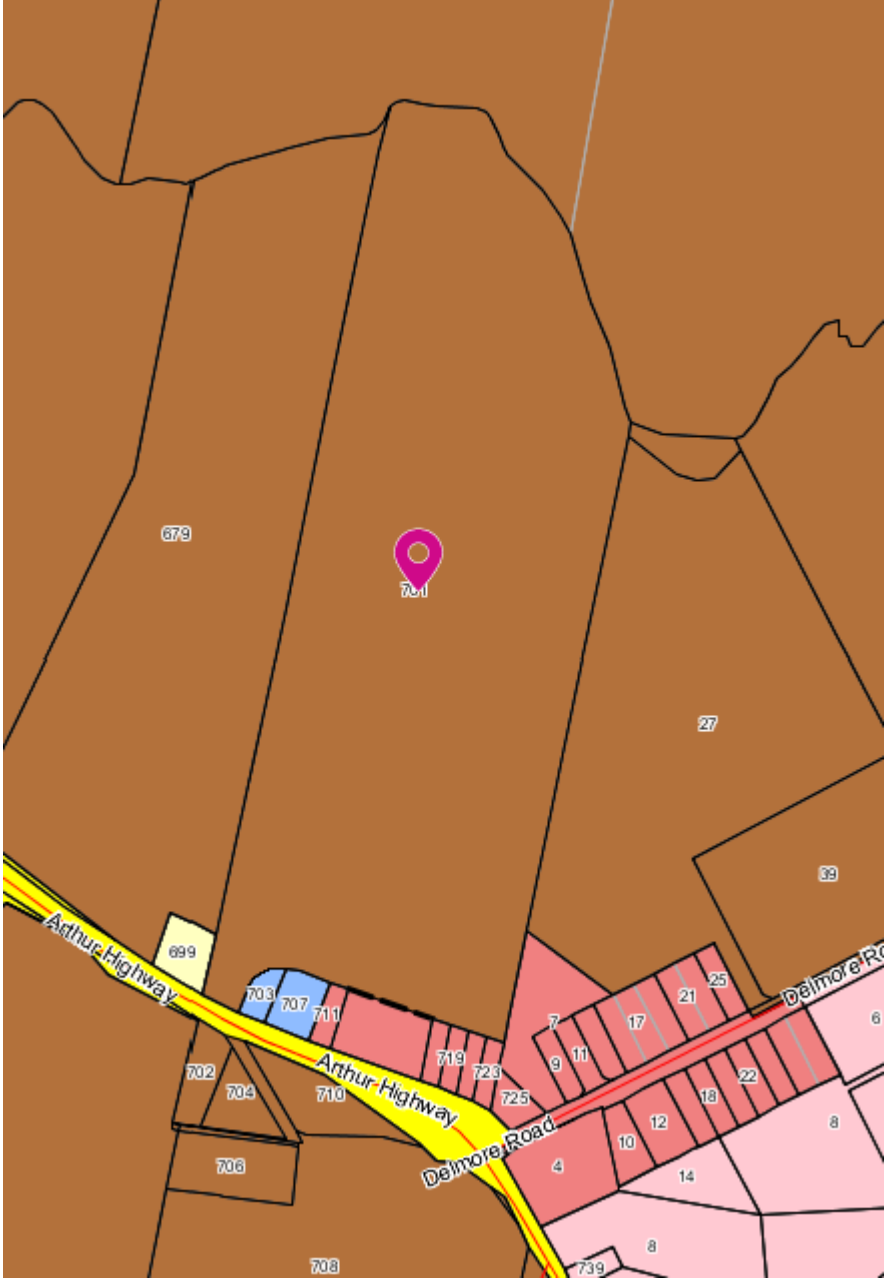
#### **Direction Number 1.12**

Property owners where recommendations to change the zoning were made were contacted on 3 February 2022. In relation to these properties no formal consents have been received. If these are forthcoming, they will be provided to the TPC for consideration as part of the hearings.


#### **Direction Number 1.13**

Council understands an additional representation was directly provided to the Commission on 23 December 2021. Due to the late submission of this representation, and Council being unaware of its submission until 31 January 2022, Council was unable to get the representation considered by their agricultural consultants.

The following analysis is made:

Representation No 6	Ireneinc OBO Mitch Rowlands, 701 Arthur Highway
Matters raised in representation	<p>The property has been zoned Agriculture and Low Density Residential and the representor believes it should be zoned consistent with the current IPS zoning, which is Low Density Residential, Rural Resource and Significant Agriculture.</p>  <p>The site has a land area of approximately 16ha and contains 2. Directly north of the site is access to the South east irrigation district however the site itself does not appear to be part of the Scheme. The representor argues that the tri-split zoning provides a buffer between the higher intensity agricultural uses, and the permissible residential uses on the Low Density Residential zoned land. If this separation wasn't provided, there is a greater chance of conflicts between uses</p>

	such as agricultural spraying or noise impacts to the houses in the Low Density Residential land (noting also, that the LDR zone applies to a number of properties adjacent). Furthermore, the area to the north of the southern dam site includes a stand of <i>Eucalyptus globulus</i> forest which is a threatened vegetation community and is covered by the Biodiversity Code under the IPS but not by the Priority vegetation overlay under the LPS, on account of the underlying zoning of Agriculture not allowing the application of the Priority vegetation overlay. This results in there being no protection for those environmental values.	
Planning Authority Response	No agricultural capability report was provided so there is no on ground data on the land capability. However LIST mapping for the site identifies the property as being class 4 almost entirely, except for the area zoned Low Density Residential which is identified as class 5. Aside from the LDR zoned land along Arthur Highway and Delmore Road, the site is surrounded on all sides by Agricultural zoned land. Many of these lots are smaller than the 16ha that this Title is. The area to the south is dominated by rural lifestyle properties and to the north the titles appear to be used for grazing and in some occasional circumstances, cropping.	
	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 16ha. It is unclear what land capacity the site has, but there is some access to water (Dams) although the site does not appear to be irrigated. Therefore it could be classified as ES4 which results in inadequate land for that agricultural use of its own. Therefore the site is constrained.
	Criteria 2 Adjoining uses	The site has a capital value of more than \$50K per hectare most likely. Therefore it is constrained.
	Criteria 3 Adjoining residential zoning	The Title is adjoining land zoned Low Density Residential (and incorporates some land zoned LDR) therefore it is constrained (criteria 3).
	This initial analysis suggests it is constrained 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 applies to a large proportion of the title (see Figure below)

		 <p>. This would constrain the use of the title and may introduce conflicts.</p>	
	3	<p>Considerations against unconstrained Titles 2B (like this one). Should be considered having regard to:</p> <ul style="list-style-type: none"> <li>• Existing and surrounding land use – the site is not in high intensity horticulture and many adjoining titles are lifestyle properties or used for small lot residential.</li> <li>• Isolated from agricultural land – the site is adjacent to other lots of various sizes with land capability 4 particularly to the north.</li> <li>• Current ownership. The site is not owned in conjunction with other properties and all properties adjacent are in separate ownership.</li> <li>• Agricultural potential – the representor raises concerns about adjoining land uses and protection of priority vegetation but no evidence is given in relation to the specific agricultural viability of this site.</li> <li>• Localised strategic mapping. None has been done.</li> </ul> <p>This analysis suggests the site is somewhat constrained.</p>	
	4	<p>Consideration of the Potential Agricultural Land Initial Analysis – this site has been identified in this layer but only applies to the land where there isn't any vegetation or where it is zoned LDR. The remainder of</p>	

		the lot is not identified in this layer.
	5	Titles may be split zoned – This has previously been the case where the site has been split over 3 zones. It is not an overly large title however it can be agreed that some constraints exist on the title therefore considering continuing to split zone the lot is worthwhile.
	6	Land is identified as potentially constrained and is adjacent to a number of potentially constrained sites. Clause (a) is not relevant nor is clause (b). Clause (c) is relevant as the site does accommodate a stand of <i>Eucalyptus globulus</i> vegetation which under the Agricultural zoning will be afforded no protections, despite is threatened vegetation status. Clause (d) is not applicable. Clause (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 zoned and is constrained by a number of residential properties adjacent.
	7	N/A as the land is identified as potentially suitable for agriculture and unconstrained.
	<p>In summary, in considering the various tests applicable to the property, there are discrepancies between whether it is classed as constrained or otherwise. The two critical influences are the adjacency of the site to residential properties, and the presence of a threatened vegetation community which would not be afforded protection under the Agriculture zoning. The fact that the site does not have access to irrigation supplies (aside from a dam) and is surrounded by a number of titles which are in separate ownership, also inhibits its viability as an agricultural site.</p>	
Recommended Action	<p>Given the constraints on site primarily from the adjoining properties and the vegetation values, the zone application should revert to Agriculture, Rural and LDR, consistent with the current IPS zoning. Furthermore, the priority vegetation overlay should be applied to the known <i>Eucalyptus globulus</i> community on site.</p>	
Effect of recommendation on draft LPS	<p>The LPS should be modified to split zone the subject property to Agriculture, Rural and Low Density Residential, consistent with the existing Sorell Interim Planning Scheme zone application. Furthermore the LPS should be modified to incorporate the priority vegetation overlay over the <i>Eucalyptus globulus</i> forest identified through LIST Map as a threatened vegetation community.</p>	

It is noted that the recommendation above is for modification to the LPS. However it is further noted that this representation was received outside of the statutory timeframe but nonetheless accepted by the TPC, and the response to this representation has not been considered by Council due to the time limitations. It is unclear what ramifications this may result in given the unusual process.

### Conclusion

It is acknowledged that a number of documents have not yet been received or provided. Sorell Council will provide these documents to the Commission as soon as they come to hand to assist in the final assessment process.

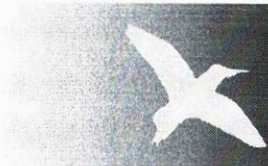
If you have any further queries regarding this letter please do not hesitate to contact **Caroline Lindus** on 📞 **6269 0000**.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lindus', written in black ink.

CAROLINE LINDUS  
CONSULTANT SENIOR PLANNER





PO Box 126  
47 Cole Street  
SORELL TAS 7172  
ABN 12 690 767 695

Telephone 03 6269 0000  
Fax 03 6269 0014  
[sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)  
[www.sorell.tas.gov.au](http://www.sorell.tas.gov.au)

3 February 2022

T J Quirk  
679 Boundary Street  
GLENVALE QLD 4350

[Timjquirk90@gmail.com](mailto:Timjquirk90@gmail.com)

Dear Sir/Madam

Our Ref: LPS-SOR-TPS

Your Ref:

Enquiries to: Caroline Lindus

### RE: SORELL LOCAL PROVISIONS SCHEDULE

In June 2021, Sorell Council exhibited their draft Local Provisions Schedule under the Tasmanian Planning Scheme for a period of 60 days. These documents exhibited detailed the transition from the *Sorell Interim Planning Scheme 2015* to the Tasmanian Planning Scheme – Sorell and included some changes in zoning and application of Codes.

During the exhibition period, Council received a representation from Conservation Landholders Tasmania Trust, requesting that a number of properties be zoned Landscape Conservation Zone. This was considered following the exhibition period, and while not all requests for rezoning were agreed with, your property at Lot 1 Edwards Street, Dunalley (CT 163462/1) which was proposed to be zoned Rural, is now recommended to be zoned Landscape Conservation.

For further information regarding the zoning and associated documents please see the Tasmanian Planning Commission's website at [LPS-SOR-TPS – Tasmanian Planning Commission Website](#).

Council is writing to request confirmation of whether you support this change in zoning. Can you please confirm your position in relation to this recommended change by filling in the following paper work, or emailing the same to [info@sorell.tas.gov.au](mailto:info@sorell.tas.gov.au). Please confirm in the correspondence whether you agree or disagree with the change. We would appreciate your response by 15 February 2022.

If you have any further queries regarding this letter please do not hesitate to contact **Caroline Lindus** on ☎ 6269 0000.

Yours sincerely,

Caroline Lindus  
CONSULTANT SENIOR PLANNER

Attn: Caroline Lindus  
Consultant Senior Planner  
Sorell Council  
PO Box 126  
SORELL TAS 7172

[info@sorell.tas.gov.au](mailto:info@sorell.tas.gov.au)

To whom it may concern,

I am writing to confirm that I agree/do not agree with the recommended change in zoning of my property at Lot 1 Edwards Street, (CT 163462/1) from the recommended zoning of Rural to the zoning of Landscape Conservation Zone.



Tim Quirk

Dated: 10 FEB 22

Further comments

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**From:** [Caroline Lindus](#)  
**To:** [Caroline Lindus](#)  
**Subject:** FW: Sorell draft Local Provisions Schedule re Marchwiell number 4, Lot 1 Marchwiell Rd, Bream Creek (CT 150885/1)  
**Date:** Tuesday, 15 February 2022 11:14:27 AM

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**Caroline Lindus**  
Consultant  
47 Cole Street, P.O. Box 126, Sorell, TAS, 7172  
[www.sorell.tas.gov.au](http://www.sorell.tas.gov.au)  
T: 03 6269 0053 | F: 03 6269 0014

**From:** Colin Sherrington <colin@sherrington.net.au>  
**Sent:** Friday, 11 February 2022 2:45 PM  
**To:** TPC Enquiry <tpc@planning.tas.gov.au>; Sorell Council <info@sorell.tas.gov.au>  
**Subject:** Sorell draft Local Provisions Schedule re Marchwiell number 4, Lot 1 Marchwiell Rd, Bream Creek (CT 150885/1)

Dear Tasmanian Planning Commission.

Re: rezoning of Lot 1 Marchwiell Rd, Bream Creek (CT 150885/1) (Marchwiell # 4) from Rural Zone to Landscape Conservation Zone.

We were unaware of planned changes to zoning on our property prior to receipt of a letter yesterday from Sorell council. We would appreciate the opportunity to present a more professional planning professional submission and be scheduled to appear at one of your hearings.

We are writing to confirm that we **STRONGLY DISAGREE** with the proposed change of zoning of the above property from Rural Zone (RZ) to Landscape Conservation Zone (LCZ).

We believe that the zoning change will prevent desirable future use of the property, whilst serving little additional benefit in terms of conservation. Future planned activities that would be prohibited under LCZ are likely to be of high value to the local community, and perfect for such a small property in the Rural Zone. We have the following plans for likely future use of the property that will be definitely prohibited or potentially prohibited under the LCZ.,

#### Prohibited

1. Business and professional services: Veterinary services / centre. Our daughter is a vet. A veterinary centre including animal husbandry services is permitted under RZ but prohibited under LCZ. The property contains approx 2 hectares of low value pasture - perfect for some aspects of veterinary care.
2. Business and professional services: Video based medical consultation services. We are medical practitioners and plan to undertake video consultation professional services from our future home. This is prohibited under LCZ.
3. Bee keeping. Storage for bees and bee equipment, as well as processing and manufacture of honey is permitted under RZ and at best discretionary under LCZ. This type of business has little impact on conservation values.
4. Research and development.. Further research and development of high value medical

device design and prototyping is prohibited under LCZ. This is undertaken inside and has no impact on conservation values.

Moved from Permitted to discretionary

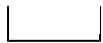
1. Utilities: Off grid solar / wind for personal use, Dam for local watering
2. Visitor accommodation: Permitted under RZ, discretionary under LCZ
3. Occasional care

The rezoning serves little purpose in improving conservation. There is already a conservation covenant that completely protects the 3.1 ha (approximately half property area) of high-value vegetation on the property. The rezoning would only serve to restrict activities on lower conservation value land outside this covenant, including 2.3 ha of pasture that has no conservation value at all.

It is also unusual that our property has specifically been selected for rezoning, when many local properties, that are effectively identical in terms of conservation value, appear to retain their current RZ zoning.

with best wishes

Colin Sherrington and Susan Rogers  
Owners



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