

21April 2021

GENERAL MANAGER
SORELL COUNCIL
PO BOX 125
SORELL TAS 7172

ATT. CAROLINE LINDUS

**RE: JOSEPHS ROAD, CARLTON AND MCGINNESS ROAD, CARLTON RIVER
– S43A REZONING FROM RURAL RESOURCE TO RURAL LIVING ZONE
AND RURAL LIVING ZONE AREA B AND SUBDIVISION.**

I refer to Council's letter of the 11th March 2021 requesting further information in respect to the above application. A completed Owners Consent Form as required by the Tasmanian Planning Commission is provided. The following information and the attached supplementary submission, prepared on behalf of the applicant, is provided to address the matters raised in the letter.

- A map of the area covered by the Carlton locality as identified in the LIST is Attachment 1 of the attached supplementary submission. As stated in the planning submission lodged in February 2021 there is no identifiable area known as "Carlton Beach" as referenced in the Southern Tasmania Regional Land Use Strategy 2010-2035. Attachments 2 and 3 show, as requested, the residentially zoned lots that were vacant and those with subdivision potential as at June/July 2020 when ground truthing was undertaken of the Carlton area along with interrogation of the LIST cadastral data.
- It is acknowledged that the declaration date of the Strategy was October 2011. The submission on page 27 (para 7) states the incorrect date for the latest amendment to the Strategy. The date should have been 19th February 2020. The statement was made to demonstrate that in referencing the Strategy in the submission it was clear that such

reference was to the updated Strategy and not an earlier version. The further reference to the amendment date of the Strategy (p. 28 para 9) merely to indicate a correlation between the latest version of the Strategy and the base line figures provided in respect to the growth potential for Carlton. That is, those properties with development potential (either single dwelling development or subdivision) at the time the submission was prepared.

Any reference to the Strategy in the supplementary information is in respect to the recently updated version of the Strategy (19th February 2020).

To support the argument that the growth in the Carlton locality since the initial declaration of the Strategy in 2011 is and has been equal to what the strategy allows as “very low growth” the data on dwelling completions provided by the Council and the “dwelling potential” in June/July 2020 is commented on in the attached supplementary information. The supplementary submission also includes an evidence-based response to the statement in Council’s letter that “the area is not an existing rural living community (by settlement pattern).” The evidence provided reveals that the Baudin Road/Brue Court “enclave” is a rural living community by settlement pattern and has been zoned Low Density Residential B Zone (1.0 ha min) for the duration of the 1993 Planning Scheme, carried forward as Rural Living into the Sorell Interim Planning Scheme 2015.

- In respect to the request for ABS or other data regarding the demand for housing in the Carlton area. The current demand for housing is being met by the current but diminishing stock of vacant land. The substantive submission along with the supplementary information is demonstrating that the growth in the Carlton area is and will remain “Very Low Growth” even with the additional 10 lots proposed. Growth to date and for the remainder of the Strategy Planning period will be achieved, in part, by the uptake of vacant lots for both housing and subdivision (leading to housing development). The additional ten new lots that will result from the subdivision will fill the “void” of existing vacant lots that are, as the submission details, (Page 29 Para 2) unlikely to be developed for housing.

The compliance of the development against SRD1.3 of the Strategy is addressed in the attached supplementary submission. The statement in Council's letter (refer 3rd dot point) that "... and the proposal does not represent the consolidation scenario which requires growth through infill..." is challenged. Clause 19.5.2 of the Strategy states that "...a consolidation strategy indicates that growth **should** be **predominantly** from infill development..." Growth in the region does not have to be exclusively from infill. This is further reinforced within SRD 1.3 c. that states "Rezoning areas that provide for the infill **or** consolidation of existing rural living communities in accordance with the following:" The Clause then lists seven requirements, all of which the proposal within the application complies with as explained on Page 31 of the main Planning Submission. (*typo page 31, para 2, SD3.1(c) should obviously be SRD 1.3 c.*)

- Information regarding road reservations, dimensions and drainage is already provided within Surveyor Morley's report and is illustrated in A3 fold out plans, P1-P4; Plan 1 in particular. Surveyor Morley's report together with seven other reports, including the main Planning Submission, was lodged with Council in February 2021. Further information is included in the attached supplementary submission.

SINCERELY,

A handwritten signature in black ink, appearing to read 'Ian Stanley', with a long, sweeping underline.

IAN STANLEY



**Planning Submission
(Supplementary Information)**

**Baudin Road (northern end), Carlton River
CT 119311-1 and CT 169070-1 (Approx. 41ha)**

To rezone from Rural Resource Zone to Rural Living Zone
and concurrently subdivide into 9 1ha lots

and

To rezone the balance land from Rural Resource Zone to Rural Living Zone – Area B
and concurrently subdivide into 3 10ha lots

April 2021

Applicant and property owner: Quentin Newitt

Iplan
Ian Stanley BA, MTP, RPIA (Fellow)
15 Moomere Street, Carlton

As requested by the Council the following is provided as supplementary information to the planning submission submitted to support the rezoning and subdivision of two land titles off the northern end of Baudin Road, Carlton River.

Attachment 1

This map shows the extent of the area of Carlton that is referred to in the planning submission lodged in February 2021. The area is designated as a “locality” in the LIST. The “Carlton” locality has been treated in the submission as the area being referred to as “Carlton Beach” in the Southern Tasmania Regional Land Use Strategy 2011 – 2035. There is no clarity in the Strategy as to what defines “Carlton Beach” however the Strategy does identify nearby locality utilising the same nomenclature as the LIST (i.e. Lewisham, Primrose Sands and Dodges Ferry) (page 89 Table 1). There are some 725 cadastral parcels within the Carlton locality.

Attachments 2-3

These maps of the Carlton Locality show the cadastral parcels zoned residential in pink colour that were vacant¹ at the time of confirming the data (June/July 2020). Parcels with subdivision potential, vacant and/or developed, at the time of the data confirmation are shown in orange colour. Parcels that contained outbuildings or rudimentary “shacks” were not identified as vacant as it was apparent that they were utilised on occasions for occupation. If these properties were treated as suitable for “potential dwellings” they would further add to the growth potential of the locality. As stated in the submission (Page 28 Para 5) there are some 725 cadastral parcels within the Carlton locality and as of April 2020 (subsequently confirmed by ground truthing in June/July 2020) there were 49 vacant land titles in the Carlton locality. The titles zoned residential and capable of being subdivided would create 25 additional lots. As at June/July 2020 there were 74 “potential dwellings” that could be developed. Growth of 10% would be achieved, if all lots were developed, over the remaining 14 years of the Strategy’s 25 year planning period.

Data obtained from the Council reveals that 97 dwellings were completed between October 2011 and April 2020 within the Carlton Locality². As such, there were 171 vacant lots as of the declaration date of the Strategy. The development of 171 lots over the Strategy’s 25 year planning period would be growth in excess of 23%. If a “discount” of 25% or 23 dwellings was applied to the number of completed dwellings to reflect any incorrect identification of the locality of the property, the growth would be in excess of 20%.

Attachment 4

This map shows the current zoning of the Carlton and wider area under the Sorell Interim Planning Scheme 2015. The zoning map shows a clear and definable settlement pattern. The “higher” density residential development (formally zoned Residential Unserviced under the Sorell Planning Scheme 1993) following the coastline from Jones Bay to the Carlton River.

¹ Cadastral parcels that were void of any structure.

² The veracity of the data cannot be guaranteed by Council as property addresses could have been shown as Carlton but not be located in the actual locality.

The Rural Living Zone (Low Density Residential zone under the previous scheme) appearing as appendages to the “higher” density development. (See zoning under previous Scheme in attachments 5 – 6)

The pattern is reinforced by the “bookending” of the higher density development by Rural Living Zone north of Jones Bay and to the south along Carlton River (adjacent to the subject property). The defining characteristics of the Rural Living Zone “appendages” (including the subject site with its access via Baudin Road) are that they are elevated areas with connection to the main arterial roads through the area. (Carlton River Road, Old Forcett Road and Lewisham Road). A minor exception exists in respect to the rural living zone adjacent to subject site. There is a small area, along the Carlton River, to the east of “historical” higher density development (lots of approximately 1000 square metres). The zone is therefore ‘sandwiched’ between two higher density zones reinforcing the linear development pattern already established.

The subdivision that will result from the proposed rezoning will be a minor addition to the existing rural living community at the southern end of the existing Lewisham/Dodges Ferry/Carlton settlement. The area is clearly an existing rural living community that is reflected in the existing Rural Living Zone classification of the Baudin Road/Brue Court “enclave”. In addition, the predominant use of nearby and adjoining land as rural living despite being Rural Resource Zone, confirms the settlement pattern of the broader Baudin Road area as a rural living community “bookending” the “higher” density development concentrated around Carlton/Park Beach.

The pattern of subdivision that has occurred in the previous 35 years in the immediate locality of the subject property reinforces the fact that the subject site is within a rural living community. The Baudin Road/Brue Court subdivision was approved in the late 1990’s and title issued in early 2000 is clearly part of the rural living community. The Baudin Road/Brue Court subdivision was approved under the Sorell Planning Scheme 1993 with the zoning of Low Density Residential B (1ha minimum).

Properties adjacent to Carlton River along Carlton River Road, in general terms, between Gate Five Road and Homewood Drive that were developed prior to the 1970’s are an example of earlier “rural living” lifestyle occurring in the area.

Land within the Josephs Road area (extending to the northern boundary of the Carlton Locality) and Waterson Lane has progressively been subdivided into smaller lots since 1985. Titles for 177 and 179 Josephs Road were issued in 1985 for two 35ha lots, five lots at the head of Josephs Road ranging from 40ha to 72ha obtained title in 2010. Five lots of 12ha – 13ha (including the eastern lot of the subject site) accessed off Waterson Lane were created in 1995.

The above subdivisions occurred when either the Sorell Planning Scheme 1993 or the previous Sorell Interim Order No 1 was in effect. The zoning under those planning instruments was Rural and minimum lot size was 40ha.

Regardless of how some smaller lots were allowed it is evident that the area has slowly been fragmented into smaller lots. These lots as a consequence of their size, low quality of soil, lack of access to water and other factors are not used primarily for any industry, rural industry, intensive agriculture or aquaculture. They are primarily used for “rural living” that being a single dwelling and outbuildings surrounded by a larger area of land.

A majority of the dwellings in the Josephs Road/Watson Lane area have been developed since the declaration of the Strategy in 2011. The take up of land zoned Rural Resource for rural living use has post-dated or occurred concurrently to most of the nearby Rural Living zoned land being taken up.

It is therefore justifiable to identify the area north of the Carlton River serviced by Josephs Road, Watson Lane, Baudin Road, Brue Court, Carlton River Road and McGinness Road as a rural living community.

Southern Regional Land Use Strategy 2011- 2035

i) Clause SRD1.3

Given the subject site adjoins the Rural Living Zone of Baudin Road and is within a clearly identifiable rural living community that is spatially defined by the existing settlement pattern, compliance with SRD1.3 of the Southern Tasmania Regional Land Use Strategy 2011- 2035 can be achieved.

As quoted in the planning submission (page 30 para 2) SRD1.3 of the Strategy reads:

Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:

The planning submission then details how “one or more of the following applies”. Of significance is subclause SRD 1.3 a that reads in part:

a. Recognition of existing rural living or environmental living communities, regardless of current zoning.

The subject site along with the properties to generally the north, west and east are, as stated above, within a “rural living community” as such SRD1.3 a applies. This alone demonstrates that what is proposed is consistent with SRD1.3 of the Strategy.

The planning submission however demonstrates that other subclauses within SRD1.3 apply in respect to the proposal. In particular subclause c that in part reads:

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

(i) the land must predominantly share common boundaries with:

- *existing Rural Living zoned land; or*
- *rural living communities which comply with SRD 1.3a;*

(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;

(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;

(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;

(v) the land rezoned to rural living use is not designated as Significant Agricultural Land;

The planning submission identifies on pages 30 - 32, how all of the above requirements are met, and complied with, regarding the proposal to rezone and concurrently subdivide the subject property. The application is therefore consistent with the Strategy. In respect to the introductory part of the above clause (SRD1.3c) referencing “infill **or** consolidation” the proposal will clearly consolidate the rural living community that exists in the wider Baudin Road and Brue Court area.

ii.) Clause 19.5.2

The “metric” used in the Strategy to manage the Very Low Growth strategy lends itself to confusion. The other growth strategies set a numerical value for growth management (i.e. 10% - 20%). The Very Low Growth strategy however does not use a numerical metric but provides “exception” to “no new potential dwellings” that reads “no new potential dwellings except single dwellings on existing lots or where there is an existing low density residential potential subject to...”. Applying the “metric” to the Carlton locality allows, over the 25 year planning period of the Strategy a “growth” greater than 20% given the amount of vacant titles that existed when the Strategy was declared in 2011.³

Given the Strategy identifies “Moderate Growth” which it applies to other localities as 10% - 20% increase in the number of potential dwellings, having a Very Low Growth strategy that allows a similar level of growth is nonsensical.

As such it must be accepted that at the time of drafting the Strategy all possible and potential growth utilising vacant land and land zoned that would allow further subdivision, would have been identified when considering applying the Very Low Growth strategy to a locality.

The Very Low Growth strategy should therefore apply **exclusive** of any growth that will occur “on existing lots or where there is an existing low density residential potential” over

³ Dwelling completion data for Carlton from 2011 – 2020 and identification of vacant land as at June/July 2020 (see attachments 2 and 3) collectively indicate that there were approximately 145 vacant titles as at the declaration date of the Strategy (October 2011)

the Strategy's 25 year planning period. The proposal's resultant ten additional lots (two existing) will constitute Very Low Growth. Once all ten lots are developed there will be a growth of less than 1.4%.

The increase of less than 1.4% is insignificant in the context of growth either inclusive of the growth that will occur in the Carlton Locality over the 25 year planning period or exclusive of it.

The proposal to create 10 additional lots in the Carlton Locality and 1 additional lot in the Carlton River Locality is consistent with Clause 19.5.2 in that the subject property is a property with low density subdivision potential that meets the criteria (p. 86, col. 1, para. 4, dot points 1-3 of the Strategy) as demonstrated in the various reports, (specifically page 29 of the main Planning Submission) submitted to Council in February.

A consolidation scenario applies to the Carlton locality under Table 3 of the Strategy. Clause 19.5.2 of the Strategy states that "a consolidation strategy indicates that growth **should** be **predominantly** 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, redeveloping existing developed lots."

The proposed rezoning and concurrent development represents consolidation of the Rural Living Zone at Baudin Road, by finalising the zone by means of a minor extension of it involving 9 additional 1ha lots. The proposed extension to Baudin Road terminates in a cul-de-sac as does the short subdivision road. The land adjoining the 9 Rural Living Zone lots is to be zoned Rural Living – Area B under the proposal and comprise 3, 10ha lots that are accessed from new roads. Finalisation of the current Rural Living Zone (including the minor extension) and the required consolidation scenario under the Strategy are not mutually exclusive. Finalisation and consolidation are synergistic.

It is relevant that the adjoining Rural Living Zone – Area B land as proposed, contains natural watercourses and some large, steeper areas. These natural constraints would inhibit future subdivision of the Rural Living Zone – Area B land. This is entirely consistent with the Strategy. Clause SRD1.3a(ii) requires that "only limited subdivision potential be created by the rezoning".

Clause 19.5.2 does not require growth to be exclusively from infill. Accordingly, what is proposed is not inconsistent with the Strategy.

Road Drainage

Information detailing the dimensions of, and drainage from, the proposed extension of Baudin Road and the subdivision road has already been provided in Appendix B of the Planning Submission. There is greater clarity in the Morley report index plans 1-4; plan 1 in particular.

Plan 1 reveals that the width of the road extension as 20m, the same as Baudin Road. Plan 1 shows 18m as being the width of the subdivision road and the cul-de-sacs being 25m (to contain a 15m wide hard surface). The length of the roads is calculable from the lot frontage dimension.

Drainage discharge from the new road into Baudin Road is also ascertainable (at this preliminary stage) from Plan 1 and is particularly minor, based on the detailed contour information it reveals a very small catchment area.

The contour intervals as stated in the surveyor's notes are 1.0m with the 5.0m contour in bold. The proposed lots and the majority of the roads are sited on a plateau, and therefore there is no other land forming a catchment area that would add to the volume of runoff into the road gutters.

Most of the runoff/stormwater from the extension to Baudin Road and the largest proportion of the subdivision road will discharge onto proposed Rural Living – Area B Lot 1 which is 10ha and has a watercourse of gentle gradient at the base of the steeper banks. This discharge will not affect the building area for this lot which is sited on the opposite side of the watercourse.

The short length of the subdivision road that provides access to proposed lots 7, 8 and 9 will collect runoff from the hard surface and these specific lots; but again there is no catchment feeding into the area. That minor discharge will flow into a natural watercourse that is defined by the Waterway and Coastal Protection Area overlay (refer Plan 4, Morley Report). Andrew North in his Natural Values Assessment, referring to the small catchment area and the watercourse affecting Lot 9, stated that "The overlay on Lot 9 is part of a drainage line with a very small catchment and is not distinguishable from the land either side" (p.12, para 1 North Barker report).

By contrast, an example of a large catchment area, affecting road drainage, is the northern area of Weston Hill Road, Sorell. The western gutter of the road has a vast catchment area being most of Jeannie Drive and parts of Weston Hill Gardens. The runoff during major rain events is considerable resulting in gutters flowing strongly as opposed to the site at the northern end of Baudin Road.

It is relevant that the run-off from hard surfaces and shoulders of roads in such a small subdivision will be partly offset by rain water capture from the roof and outbuildings of each developed lot also taking into consideration the normal low annual rainfall of the area.

Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

QUENTIN CHESTER NEWITT.

Email address:

SUENEWITT19@GMAIL.COM

Contact number:

0458 583 233

2. Site address: BRAIDIN ROAD (NORTHERN END), CARLTON RIVER.

Address:

COUNCIL RATES ADDRESS: JOSEPHS ROAD, CARLTON + McGINNESS ROAD, CARLTON RIVER.

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

LT. 169070 - 1 + LT. 119311 - 1 PID. 2294356 + 2294292

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner:

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

Registered owner (please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

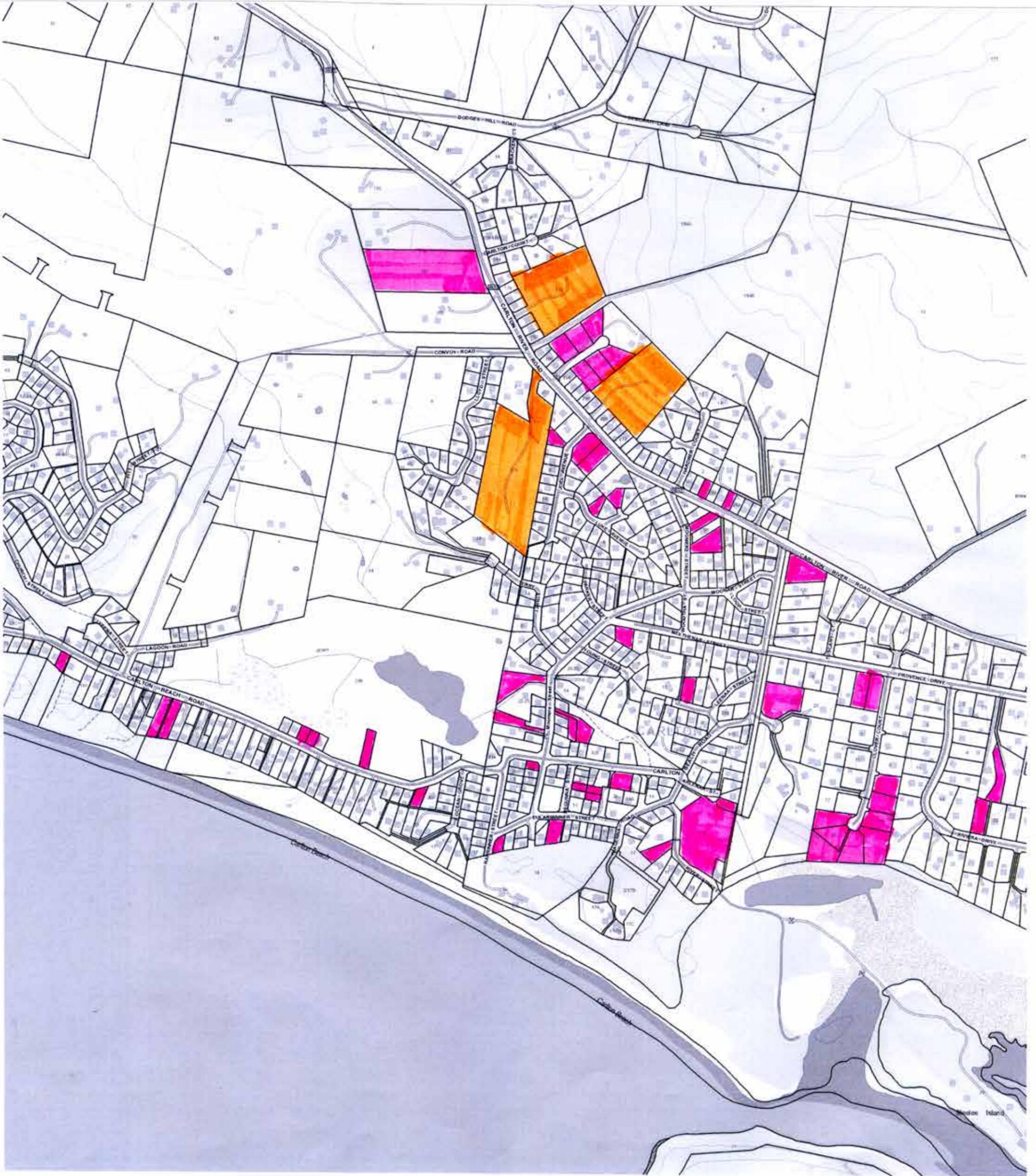
Date:

Attachment 1 – Carlton Locality



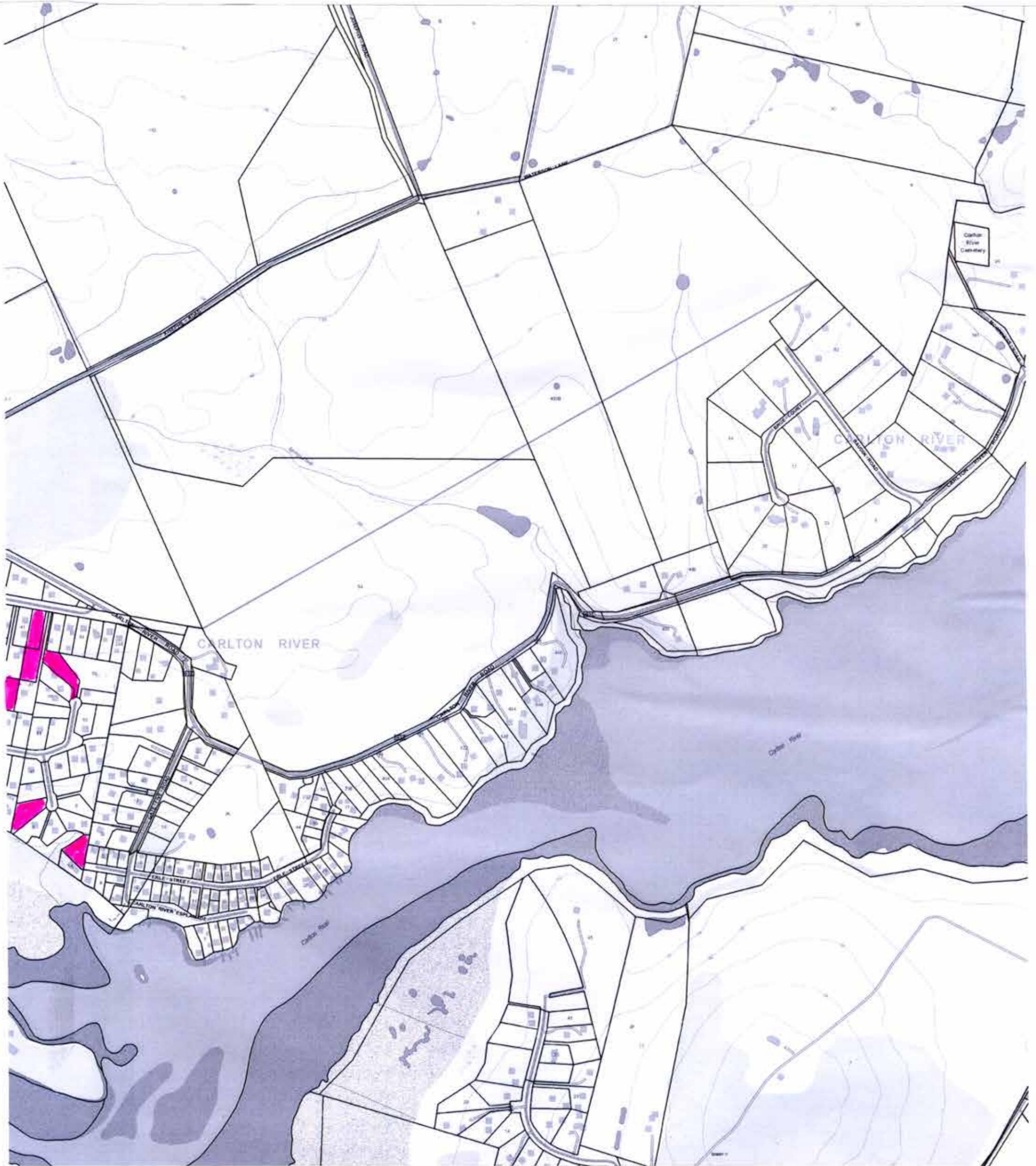
The Carlton locality referred to in both the original planning submission and the supplementary information is assumed to be the "Carlton Beach" locality referred to in the Southern Tasmania Regional Land Use Strategy is contained within the light purple line shown on the attachment. (Source: TheList)

Attachment 2 – Vacant Residential Zoned Land – Carlton Locality



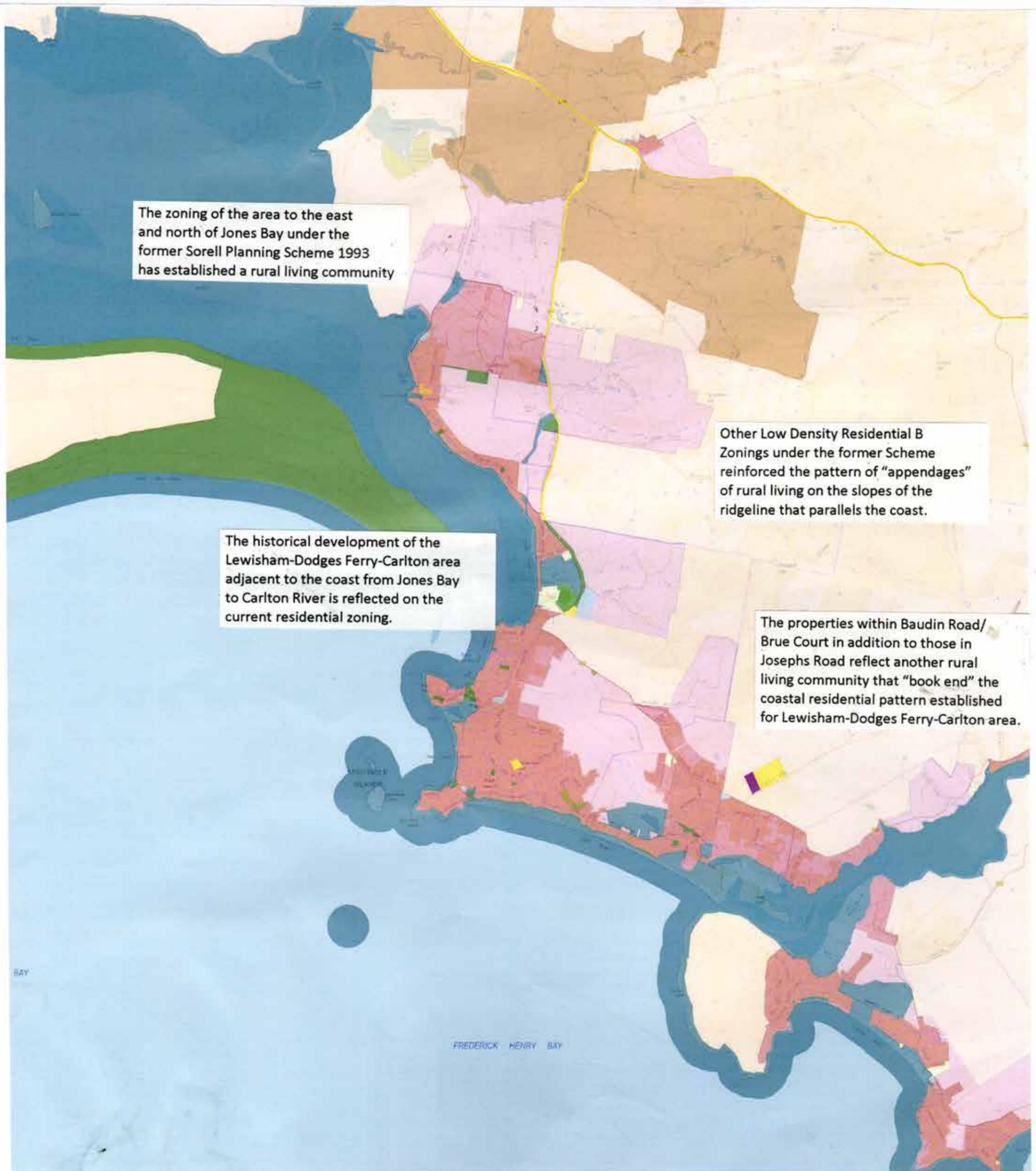
Vacant land identified as at June/July 2020 shown highlighted pink. Vacant land that has subdivision potential under its current zoning shown highlighted orange (Source: TheList)

Attachment 3 – Vacant Residential Zoned Land – Carlton Locality



Vacant land identified as at June/July 2020 shown highlighted pink. Vacant land that has subdivision potential under its current zoning shown highlighted orange (Source: TheList)

Attachment 4 - Settlement Pattern – Lewisham-Dodges Ferry-Carlton



The above attachment shows the current zoning of the Lewisham-Dodges Ferry Carlton area (collectively known as the Southern Beaches). The current settlement pattern of higher density coastal development with lower density “rural living” development “book ending” and appended to the coastal development. (Source: TheList)

Sorell Planning Scheme 1993

ZONES

Residential Serviced	Reserved Residential Serviced	Industry
Residential Unserviced	Reserved Residential Unserviced	Tourism Holiday & Craft
Low Density Residential A	Business	Open Space
Low Density Residential B	Village	Community Purpose
Low Density Residential C	Rural	Forestry

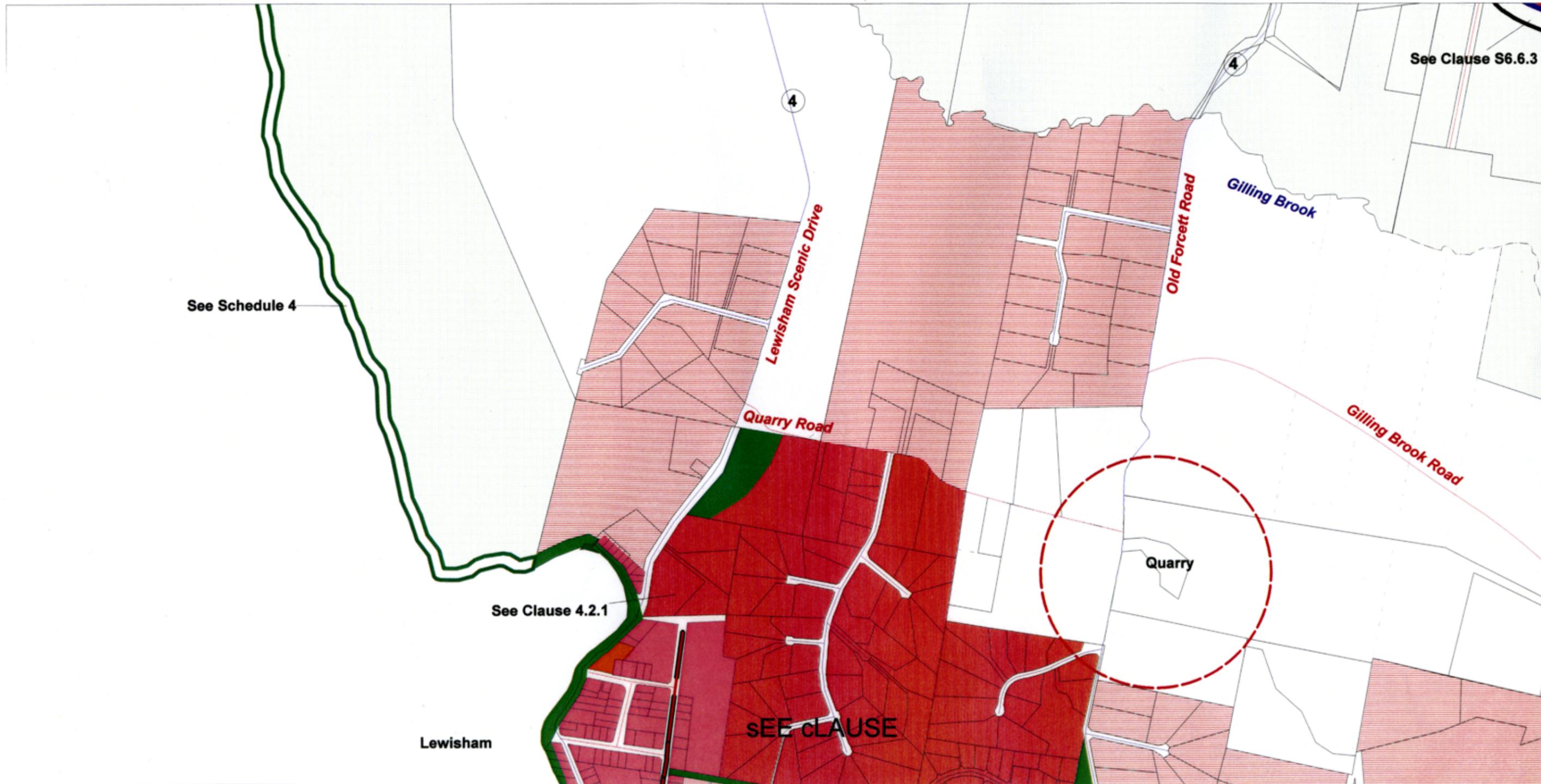
SPECIAL AREAS

All Dwellings Prohibited See Clause 4.4.3	Orielton Lagoon Catchment Area See Clause 4.4.4	Potential Impact Area See Clause 3.4.2
Landscape Protection Areas See Clause 4.4.1	Boundary of Scheme	Category 4 Roads See Clause S6.5.5
See Schedule 4	Orielton See Clause 4.4.5	Category 2 Roads See Clause S6.5.4
	Carlton Beach See Clause 4.4.2	

Note: Seaward boundary of Open Space zone is Low Water Mark

Attachment 5 – Zoning - Sorell Planning Scheme 1993

The attachment shows the zoning of the Lewisham-Dodges Ferry-Carlton area under the former planning scheme. The settlement pattern of higher density development along the coast and lower density "rural living" at either end of the higher density development has been dictated by zonings for almost 30 years (Source: Sorell Council)



Sorell Planning Scheme 1993

ZONES

- | | | |
|---------------------------|---------------------------------|-------------------------|
| Residential Serviced | Reserved Residential Serviced | Industry |
| Residential Unserviced | Reserved Residential Unserviced | Tourism Holiday & Craft |
| Low Density Residential A | Business | Open Space |
| Low Density Residential B | Village | Community Purpose |
| Low Density Residential C | Rural | Forestry |

SPECIAL AREAS

- | | | |
|--|--|---|
| All Dwellings Prohibited
See Clause 4.4.3 | Orielton Lagoon Catchment Area
See Clause 4.4.4 | Potential Impact Area
See Clause 3.4.2 |
| Landscape Protection Areas
See Clause 4.4.1 | Boundary of Scheme | Category 4 Roads
See Clause S6.5.5 |
| See Schedule 4 | Orielton See Clause 4.4.5 | Category 2 Roads
See Clause S6.5.4 |
| | Carlton Beach See Clause 4.4.2 | |

Note: Seaward boundary of Open Space zone is Low Water Mark

Attachment 6 – Zoning – Sorell Planning Scheme 1993

The attachment shows the zoning of the Lewisham and Carlton area under the former planning scheme. The settlement pattern of higher density development along the coast and lower density "rural living" at either end of the higher density development has been dictated by zonings for almost 30 years (Source: Sorell Council)

