

Mr R. Higgins,
General Manager,
Sorell Council,
47 Cole St.,
Sorell. Tas. 7172



10th September, 2021

Dear Robert,

**Representation regarding: DRAFT AMENDMENT TO SORELL INTERIM PLANNING SCHEME 2015
SITE: Josephs Road, Carlton and McGinness Road, Carlton River REZONE LAND FROM RURAL
RESOURCE TO RURAL LIVING AND RURAL LIVING B & 12 LOT SUBDIVISION AMENDMENT 1 OF 2021**

The Application under Section 43A of LUPAA '93 proposes to rezone approx. 10.0 ha of Rural Resource Zone land to Rural Living Zone and subdivide that into 9 x 1.0 ha lots. Also to rezone approx. 31.0ha of Rural Resource Zone land (balance of the subject property) to Rural Living Zone – Area B, and subdivided that into 3 x 10.0 ha lots.

This representation is aimed at addressing negative and inaccurate comments by a Baudin Road resident, who is opposed to the above listed application. I contend that my representation is relevant, particularly if the resident submits their own representation, expressing similar views to those stated to me in the presence of Surveyor, Michael Morley and Draftsman, Colin McCoull, near the entrance of the subject property.

The issues raised by the resident included:

1. That prior to purchasing their Baudin Road property that included a dwelling, Sorell Council had stated to them that the subject property could not be rezoned and developed.
2. That if development proceeded, the amenity and lifestyle of the area would be largely ruined as would the view from their property.
3. That these adverse changes would occur all because "someone wants to make a quick buck".
4. That the subject property was Wedge-tailed eagle habitat and that the local population would be severely impacted by any development.

Point 1: There is no circumstance under which any member of Council staff in Planning would unconditionally warrant that Rural Resource Zone land (the current zoning of the subject property) could not be subject to a rezoning application.

Further, the resident should have noted the substantial physical evidence indicating that future residential development at the northern end of Baudin Road might occur. This evidence is the 20.0 metre wide open road reservation to the centre of the southern boundary of the subject property that has not been restricted by any termination of the road (i.e. cul-de-sac) or by any designed narrowing of the road reservation to less than public road width.

Neither of these two possibilities have occurred and instead the road reservation is 20.0 m wide and the sealed surface abruptly finishes at 90 degrees to the road's length, approximately 30.0 m short of the boundary with the subject property. The possibility of Baudin Road being extended as a public road, servicing further residential development, has not been extinguished.

Point 2: The number of proposed 1.0 ha Rural Living Zone lots is limited to only 9 to ensure that the proposal is compliant with the Southern Tasmania Land Use Strategy: Clause SRD 1.3 c (ii) in particular. The proposed 3 x 10 ha Rural Living Zone – Area B lots that contain natural constraints to

further subdivision (such as watercourses, steeper gullies etc.) also ensure compliance with SRD 1.3 a (ii) in STRLUS that requires only limited subdivision potential is created by rezoning. In concert with these requirements is our objective to establish a low impact residential development that consolidates and finalises the Rural Living Zone in the Baudin Road area.

Importantly, the minor number of lots subsequently means that the impact on the amenity of the existing settlement and the resultant traffic generated will be very low and insignificant. GHD have concluded in their report that after real time data collection, modelling and analysis, additional Peak Hour (AM and PM) traffic generation from the proposed development (also including the 3 x 10.0ha Rural Living Zone – Area B lots) is particularly minor and not significant. Referring to the main intersection of Carlton Beach Road, Carlton River Road and Old Forcett Road, GHD concluded “The proposed development has insignificant impacts on the overall intersection performance” (TIA by GHD, p 13 Table 4).

Traffic is an indicator of whether or not a proposed development is significant and the degree to which the existing amenity of an area is affected. In this case, GHD recommends support for the proposed rezoning and concurrent subdivision. “Based on the findings of this Traffic Impact Assessment, the development is supported on traffic grounds.” (TIA by GHD, p. 15).

Addressing the resident’s claim that the view from their property will be ruined, the only view that a property owner has control over is within their own property boundary. Outside of this, no-one legally owns a view; rather it is influenced and affected by a diverse range of regulation (codes, standards, etc) mostly controlled by Local and State Government, but sometimes by Federal Government as well. Restrictive Covenants over lots within a Sealed Plan also influence a view. It is also noteworthy that the resident’s view towards Carlton River cannot be affected because the proposed development is at the end of Baudin Road, in the opposite direction.

Point 3: If a developer had not undertaken the Baudin Road/Brue Court project previously, then the resident could not complain because their property would not exist.

The reference to “...make a quick buck” is ignorant and baseless. It is often several years before there is a return on investment regarding property development. Purchasing land for development can involve financing at 2-3 x the average housing interest rate and on a loan value ratio limited to 50% all secured by a first mortgage only. Land Tax is usually considerable relative to the size and value of the parent property to be developed. Now, in addition to the usual raft of taxes, under the latest legislation, at Settlement for a land lot sale, full GST calculated at the sale price (not settlement proceeds) is held by the Vendor’s Solicitor, and paid directly to the A.T.O.

Also, Councils understandably have a raft of equitable policies designed to protect Council’s expenditure, and ultimately the ratepayer. These include cash to be paid by the developer in lieu of Public Open Space, as well as strict road and infrastructure maintenance periods etc. imposed on the developer.

Point 4: Wedge-tailed eagles have been seen foraging the area, as fortunately is the case over many different regions and areas of the State. They seem not to be shy of some human activity, but also seem to maintain a varying degree of distance depending on what that human activity is. Wedge-tailed eagles have landed very close to my home if people are reasonably quiet and also have landed in paddocks while I have been feeding cattle with a hydraulic feed-out cart and tractor. They have been approximately 100 metres away on those occasions, but still remained for five to ten minutes.

In the Natural Values Assessment, by North Barker Ecosystems Services, on page 3, Section 2.2, Andrew North states he has undertaken a Fauna Survey.

In acknowledging anecdotal observation records of Wedge-tailed eagles foraging in the area and over the subject property, Andrew North states, "No significant habitat for threatened fauna is present." (ref: p.4 Section 3.3 Threatened Fauna and Habitat).

Beginning on p.22 of the report, Appendix D: Fauna Species of Conservation Significance the Wedge-tailed eagle is of course listed and commented on, culminating in the statement, "May use site for foraging. No nesting habitat." The catalogue describes the significance of the study area (referring to the subject property) as "Nil".

The resident's compassion for the majestic and endangered birds is commendable. Within the Application, three quarters of the subject property will remain almost unchanged. Regrettably the whole property has only a couple of mature pine trees on it (some small trees in a gully and at the edge of the creek also exist). Based on Wedge-tailed eagles randomly foraging 20 acre paddocks where I live, which also borders 36 Rural Living Zone 1 ha lots, three 25 acre lots proposed within the Application will provide a similar environment over which the birds can randomly and cautiously forage.

Yours sincerely,