

30 August 2021

General Manager Sorell Council & Caroline Lindus, Strategic Planner
Sorell Council

Via email: sorell.council@sorell.tas.gov.au

Dear Sir/Madam

Your ref: 2294292

43.2021.1.1 MCGINNESS ROAD, CARLTON RIVER – REZONE LAND FROM RURAL RESOURCE TO RURAL LIVING AND RURAL LIVING B & 12 LOT SUBDIVISION – Q C Newitt

Representation objecting to the proposed rezoning and subdivision of rural land adjacent to our property at 42 Baudin Road, Carlton River.

Fundamentally, we do not believe that the rezoning of the land adjacent to our property (from Rural Resource to Rural Living) is justified. It is contrary to the Sorell Planning Scheme and the State Land Use Act, and we argue that the proponent has not made a strong case to justify such a significant change. Since the 1990s, planning schemes and the Land Use Act have recognised the importance of rural and agricultural land in Tasmania and have sought to protect it from fragmentation via incremental subdivision, thereby preserving natural values and preventing urban sprawl. Changing a Rural Resource Zone to Rural Living Zone should not be easy to do, and the justification would need to be extremely compelling, as it would set a very poor precedent for the region. The onus must be on the proponents to adequately justify the rezoning of Rural Resource to Rural Living.

Justifications for rezoning rural land for residential use on the grounds of either (a) consolidating existing rural communities or (b) creating infill development are not relevant in this case. The proposed subdivision is not immediately adjacent to the township of Carlton, and will bulge out into rural land well beyond the existing ribbon of development along Carlton River. As it is towards the end of the ribbon of development along the river, it is not a natural extension of the pattern of development along the southern beaches. We therefore do not concur with the proponent's conclusion that the development would be 'logical, practicable and consistent with the spatial layout of development in the vicinity and the Southern Beaches generally'.

In section 8.2 of the proponent's submission, the proponent argues that it is 'somewhat perplexing' as to why the property was not included in the Sorell Land Supply Strategy – Stage 2 Assessment of Expansion Options 2019. We disagree, and would argue that the fact that the land was not included in the Sorell Land Supply Strategy is a further indication that the proposed rezoning is not only unnecessary but unjustifiable. The proponent includes a table (Table 1) in which they subjectively score the property against the primary and secondary criteria indicated in the Sorell Land Supply Strategy and conclude that it 'would have been ranked high' on the basis of the score of 48.5.

However, this warrants a healthy scepticism, given that the scoring used here is not verified by specialists and is highly subjective and in the proponent's favour. For example, there is no indication in this table of any recognition of the presence of wedge-tailed eagle habitat.

Wedge-Tailed Eagle (WTE) habitat

Development should not be considered where it could have an impact on threatened species. The wedge-tailed eagle (WTE) is a threatened species in Tasmania.

In the application section 4.2 (Natural Values), the applicant indicates anecdotal evidence of WTEs landing in trees and on the paddock within 50 metres of his home and that they remain for approximately 30 minutes. Our understanding is that the applicant does not live on or near the property and would be referring to another area altogether. We have observed, and have compiled an image library of over 500 photographs taken over last few years, showing the WTEs rearing young and showing hunting practices across the proposed development. We have witnessed mating and can show images of courtship. In numerous instances they stay anywhere from 2-6 hours and longer. They hunt hare, rabbit and geese which can be found on the property, and they use the 2 stands of macrocarpa as a roost for observation, courting, hunting, and resting. ¹

We have contacted the Threatened Species staff at DPIPW, Birdlife Tasmania and former DPIPW staff member Nick Mooney regarding the use by the WTEs of this land. Although there is no nesting site that we know of on the land, the WTEs use of the proposed subdivision is extensive as the nest is on an adjoining block. We are very worried for the ongoing wellbeing of these animals. The danger of development is that the birds will be likely to stop using this land to hunt due to ongoing construction impacts and increased human activity, and may also be deterred from the area altogether (including from the nest on the adjoining property). As proposed, the lots (and consequently, the proximity of dwellings) are far too close to the macrocarpas for the birds to continue to use the trees. The building envelope of Lot 5 is particularly concerning in terms of proximity to the trees.

At the very least, the 2 stands of macrocarpa **must be protected** to ensure the habitat remains for the animals. The trees should be included in a special overlay for significant vegetation.

We note that the Natural Values Assessment by North Barker Ecosystem Services only makes passing reference to anecdotal accounts of wedge tailed eagles when the evidence is considerable. The report concludes that there are no impacts of the development on fauna, when this is clearly not the

¹ Link to image library

<https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fphotos.app.goo.gl%2FvSAuLtcfFdRs7tPBA&data=04%7C01%7C%7C9613bd85fd994376bc1508d966d2060e%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637653874497517410%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJljojV2luMzliLCJBTiI6Ik1haWwWLCJXVCi6Mn0%3D%7C1000&data=ttkQ5U4v2scK7ZxkYMGVGBKLRL1gLB2uUXrt3wex6s%3D&reserved=0>

case. We therefore argue that the Natural Values Assessment is inadequate and further investigation into impacts on threatened species is **urgently required**.

Impact on quality of life

It must be noted that this proposal significantly impacts 3 of our 4 boundaries, where over 5 years we have developed our property to ensure we enjoy the rural land around us. This includes planting trees to encourage local bird and wildlife, removing old fences and infrastructure to open the views even further, and creating seating and living spaces to enjoy more of our land and vista. According to the plan, a property could be built within 20 metres of our boundary line which would dramatically reduce our quality of life and privacy – one of the key features that compelled us to buy the property. When we bought the property we were told by Sorell Council that the originally proposed road (between 32 and 42 Baudin Rod) was sold to the owner of 32 Baudin Road as the remaining land was not to be subdivided as it was zoned Rural Resource. This decision gave us reassurance that Sorell Council had already recently decided on the use of the land.

We note that all pictures included in the proposal show our house at an extreme distance.

Included in this submission are images of our house taken within the proposed building envelope of lots 3, 4, 5 and 6. As you can see, the developer's images are disingenuous at best.

Proposed road

As proposed, the Baudin Road extension and the new subdivision road would effectively render our site (circled in yellow) a corner block. We strongly object to this for the following reasons:

1. Given the money allocated (\$6-700,000) to the approx. 420m of new road, we can only assume that the road would not be sealed. Given the prevailing winds (N, NNW & NW), this will blow a significant amount of dust directly onto our deck, outdoor living areas, and inside the house. In summer, this will be particularly bad (we already get some dust from Waterson's Road a few hundred metres away).
2. Our privacy will be severely impacted as the house is north-facing and our entire living situation will face lots 3, 4, 5 and 6.
3. If the new subdivision road goes ahead as proposed, we will be subject to car headlights across our rear living areas and along our northern perimeter.

Our preference would be that if the Council agrees to rezone the land, that it should only be able to be changed to an Area B Rural Living Zone with larger 10 ha blocks only. If some smaller lots are allowed, then it should be a maximum of 4 or 5 lots as a straight extension to Baudin Road with the deletion of the current L-shaped side road and lots adjacent to the north-east and east of our property.

We look forward to hearing from you with regards to this representation.



