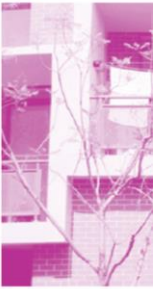


23 December 2021

Mr Ramsay  
Chair  
Tasmanian Planning Commission  
Level 3, 144 Macquarie Street



Dear Sir,

### SUBMISSION REGARDING DRAFT SORELL LPS

I am writing on behalf of our client Mr. Rowlands to make a submission in relation to the *Tasmanian Planning Scheme - Sorell Council Draft Local Provisions Schedules*, otherwise known as the draft Sorell Council LPS. The intent of this submission is to request that the existing zoning of our client's property at 701 Arthur Highway, Forcett be retained and appropriately transitioned into the new planning scheme.

- CT 114548/1 - 701 Arthur Highway, Forcett

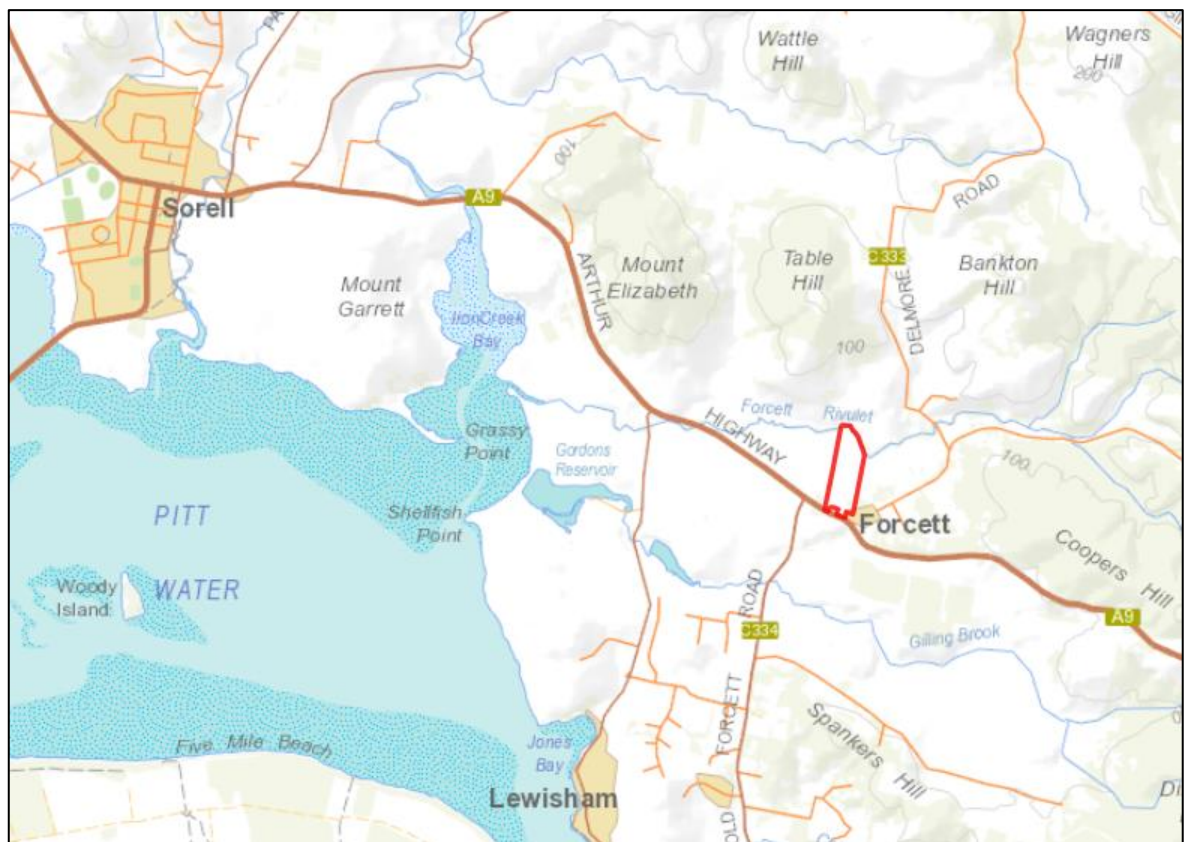


Figure 1: Site location (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State Government of Tasmania)

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Figure 2: Site detail (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State Government of Tasmania)

The following sections review the draft LPS documents, along with the Southern Tasmania Regional Land Use Strategy to support a like-for-like zone translation from the existing Interim Planning Scheme - rather than the proposed rezoning to Agriculture under the Draft Sorell LPS.

## SITE & SURROUNDS

The site has an approximate land area of 16ha and is divided into three different zones. The site currently supports an existing dwelling and associated outbuildings, which are predominantly located in the south-western corner of the site. The immediately adjoining land to the south is zoned Local Business and supports an existing service station.

A large dam is located in the south-eastern corner of the site, which is surrounded by a cluster of threatened native vegetation.

The site is accessed via Arthur Highway and adjoins an existing Low-Density Residential area to the east. A portion of the site has been previously rezoned to Low-Density Residential to facilitate a future subdivision.

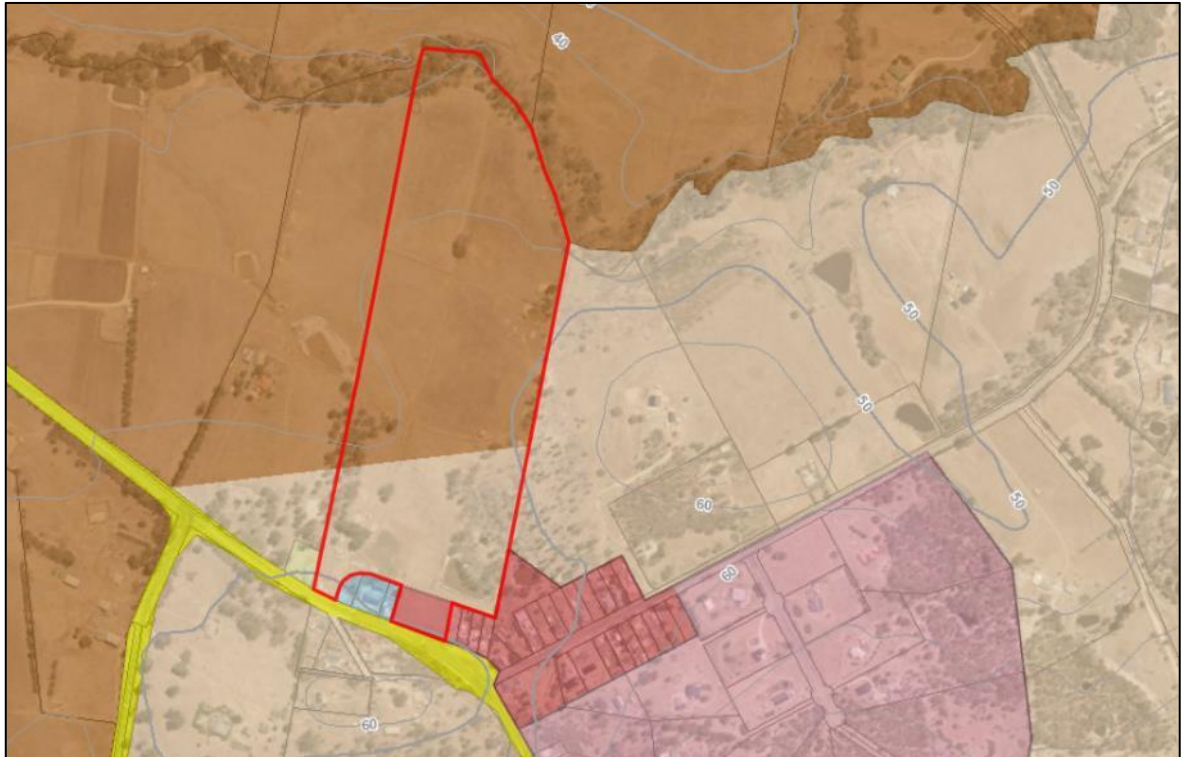
## PLANNING CONTROLS

### EXISTING ZONING

The property is currently broken into three different zones, consisting of:

- Low-Density Residential - totalling approx. 3,683m<sup>2</sup>;
- Rural Resource - totalling approx. 4.4ha; and
- Significant Agricultural - totalling approx. 11.4ha

The figure below illustrates the split zoning.



**Figure 3: Existing zoning under the Interim Planning Scheme - red areas denote Low-Density Residential, peach areas denote Rural Resource and orange areas denote Significant Agricultural - site area in red (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © State of Tasmania)**

As can be seen in the figure above, the existing extent of Rural Resource zoning provides a logical and effective buffer/transition from the Low-Density Residential areas and the higher order agricultural use/development normally undertaken within the Significant Agricultural Zone.

This is the case both within the site and within the immediately surrounding area.

The purpose of this is to minimise land use conflict. The following outlines the relevant code overlays which may impact future agricultural use on the southern portion of the site.

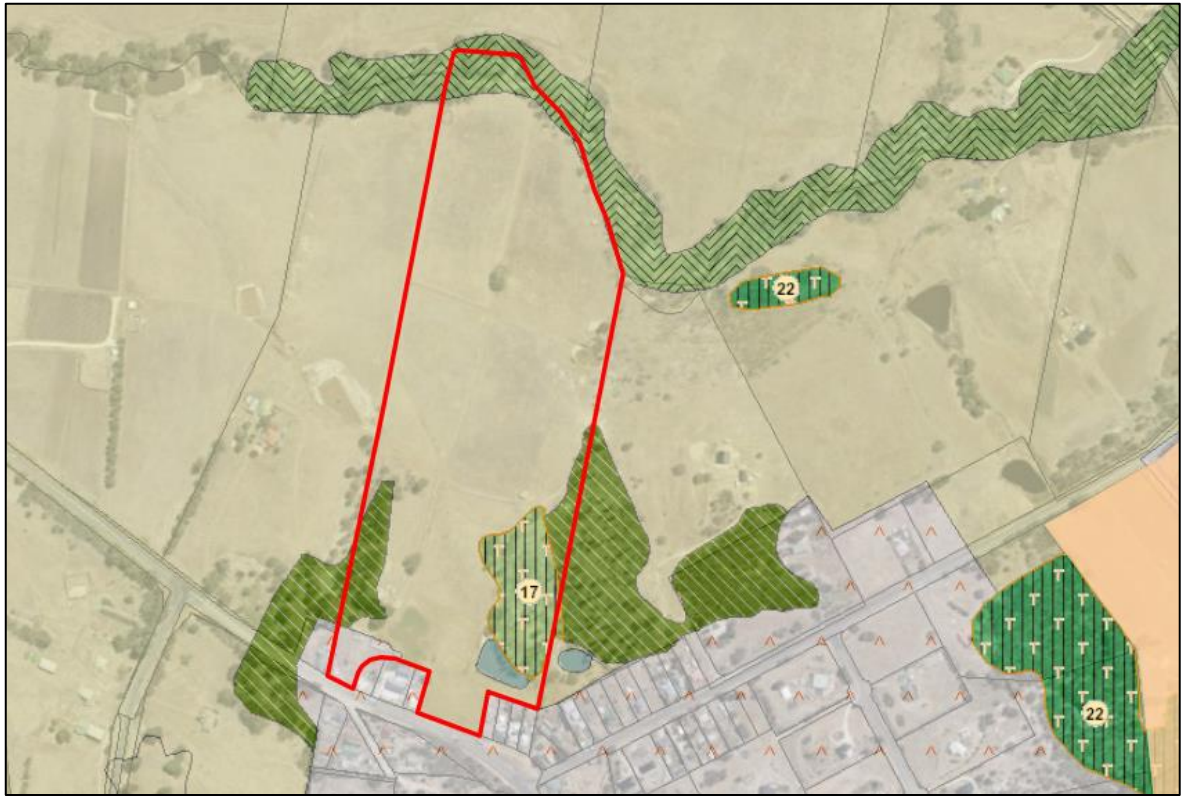
#### CODE OVERLAYS

##### **Biodiversity Protection Area**

A small stand of existing vegetation to the north of the dam on the site is identified as priority vegetation, due to the presence of *Eucalyptus globulus* forest - which is a threatened vegetation community.

The extent of threatened vegetation is likely to substantially reduce the agricultural potential of the southern section of the site, thereby pushing any substantial activities further north.





**Figure 4: Extent of threatened vegetation on the site (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © State of Tasmania)**

It should be noted however, that there are no protections afforded under the State Planning Provisions for clearance of native vegetation, if within the Agriculture Zone.

A like-for-like translation and retention of the Rural Resource to Rural zoning on the subject site, would also provide ongoing protections under the planning scheme for the threatened native vegetation on the site.

#### PROPOSED ZONING UNDER DRAFT LPS

The sections of the site currently zoned Significant Agricultural and Rural Resource are earmarked for rezoning to Agriculture under the Draft LPS. The section of Low-Density Residential land will be retained.

The section of Rural Resource zoning within the site and across adjoining properties provides an appropriate use/development buffer between residential use to the south and east, and broader scale/intensive agricultural uses to the north and west.

The removal of this buffer and provision of the Agriculture zone is anticipated to substantially increase the risk of future land use conflicts as a result. This is anticipated to be the case not just for the subject site, but also for the adjoining Low-Density Residential areas to the east, for which there will no longer be a Rural Resource/Rural zone buffer.

For example, the potential proximity of spraying/irrigation and other emissions emanating from intensive agricultural activities may also result in contamination of drinking water, with most properties in the area relying on tank water and roof runoff.

Whilst it is preferable to provide zone boundaries along established cadastral titles (to avoid split zoning), in this instance the existing split zoning application is appropriate to ensure the broader objectives of the STRLUS and state policies are achieved.

This is supported in the Section 8A Guideline No.1, which provides guidelines for Local Council's in applying zones and codes. Specifically, guideline AZ 5 states the following:

*AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.<sup>1</sup>*

The southern section of the site is constrained due to the proximity to existing and future residential development. If the split zoning is retained and translated through the draft LPS process, the zoning of the site would consist of the following:

- 11.3ha (approx.) retained for Agriculture Zoning;
- 4.4ha (approx.) retained for Rural Zoning; and
- 3,678m<sup>2</sup> (approx.) retained as Low-Density Residential.

These lot sizes are sufficient to cater for the types of use/development that are able occur within each zone. Despite the split between the Rural and Agricultural Zones, these zones provide for similar activities, ensuring that the zoning split would not substantially impact on the ability for future agricultural activities to make use of the area, whilst still providing a suitable physical buffer from the established residential areas to the south.

The existing section of Low-Density Residential land constitutes the only remaining section of existing residential land within the Forcett area that is already earmarked for additional lots. As a result, the retaining the split zoning provides greater protection for this area, whilst also protecting future agricultural development.

The following outlines the strategic justification for the retention of the split zoning and issues that will arise if the zoning proposed under the Draft LPS is approved.

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<sup>1</sup> Section 8A Guideline No.1 - Local Provisions Schedule (LPS): Zone and Code application, version 2 (2018, p: 17)

# STRATEGIC ASSESSMENT

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## SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

The Southern Regional Land Use Strategy (STLUS) provides an overarching strategic framework to guide land use planning in Southern Tasmania.

The strategy includes key directions and associated regional policies to provide guidance for Local Council's and the State Government. It is a statutory requirement that any application to amend a planning scheme must have regard to and be largely consistent with the relevant aspects of the strategy. The relevant regional policies which relate to the provision and zoning of agricultural land are addressed below.

### **Regional Policy 16.5 - Productive Resources**

*PR 1 - Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.*

The site is identified as possessing a combination of Class 4 and 5 soils, according to Land Capability mapping available on the LISTMap. Under the State Policy for the Protection of Agricultural Land, land classified as Class 4 and 5 is **not** considered as prime agricultural land.

Class 4 land is defined as:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.*

Class 5 land is identified as:

*This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.*

The further analysis undertaken by the Planning Policy Unit, as part of the agricultural land mapping project also identifies the site as being 'unconstrained'. However, the site directly adjoins existing Low-Density Residential land, which would in fact reduce the agricultural potential of the lot for broadscale, high-intensity operations. The portion of the site which is already zoned Low-Density Residential would be capable of supporting three additional residential lots. This will exacerbate the issues that are likely to arise if the intended zoning changes under the Draft LPS are approved.

In addition, there is an existing stand of threatened Eucalyptus globulus forest on the southern portion of the site which would further reduce the suitability of the southern section of the site for broadscale agricultural use provided for within the Agriculture zone. The following outlines several relevant policies under the STRLUS.

Regional policy SRD 1.6 recognises the following;

**PR 1.2**

*Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.<sup>2</sup>*

Whilst the planning controls do provide some protection by specifying a 200m buffer, this only applies to sensitive uses located within the Agricultural Zone (such as dwellings which are directly associated with the agricultural use on the same site). This provision does not provide any protection for sensitive uses on *adjoining* properties, as the priority is to protect agricultural development at the expense of residential amenity. There are also no provisions under the Agriculture Zone to acknowledge impacts on sensitive uses beyond the zone.

In addition to this, the new use/development standards for the Low-Density Residential Zone do not include any provisions designed to avoid fettering or constraints to agricultural uses. As a result, the extent of the southern portion of the site that could be reasonably utilised for broadscale/high intensity agricultural use, due to the proximity of sensitive uses, is substantially diminished.

As outlined previously, the current section of the site zoned Rural Resource provides an appropriate buffer between the Low-Density Residential land to the south, both within the site and immediately adjoining. This buffer reduces the potential for broad-scale intensive agricultural operations occurring within close proximity to existing residential areas. This is illustrated in the figure below.

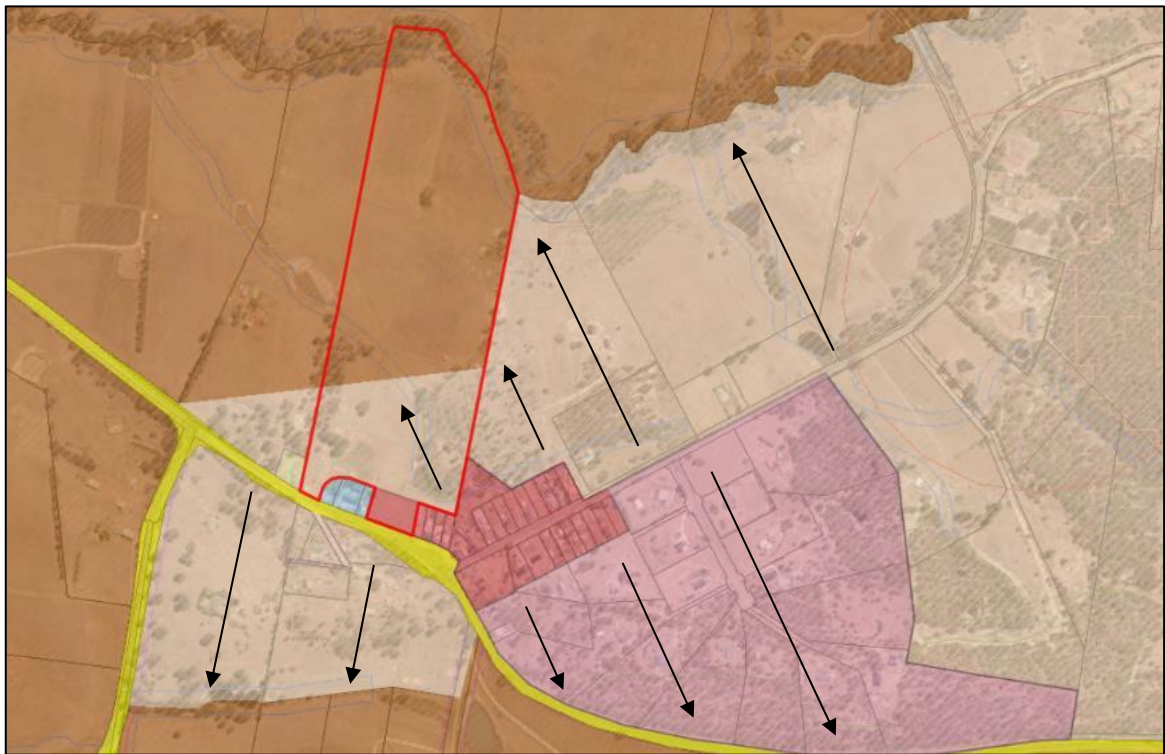


Figure 5: Current extent of zoning, with the Rural Resource zoning providing a logical buffer between agricultural land and residential land (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © State of Tasmania)

<sup>2</sup> Southern Tasmania Regional Land Use Strategy (2010-2035, p: A 18)



The type of use/development allowable within the Rural Resource zone is of a lower intensity and is less likely to be impacted by, or impact on adjoining residential use through emissions such as noise, dust, spray irrigation etc.

The following illustrates the zoning proposed under the Draft Sorell LPS.



**Figure 6: Proposed zoning under the Draft LPS, illustrating no zone transition from residential land to agricultural land (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © State of Tasmania)**

Based on the above, the replacement of the Rural Resource Zone, with the Agriculture Zone under the Draft LPS is inappropriate and does not satisfy the relevant regional policies under the STRLUS - as the proximity to existing and future residential lots is likely to constrain and/or fetter future agricultural use on the property and impact upon residential amenity, and visa-versa.

An example of this is a site at 267 Fingerpost Road which supports an existing dwelling on a narrow agricultural lot. The property is adjoined on both sides by broadscale, intensive agricultural crop production, which involves spray irrigation and generates substantial dust and noise emissions.

Whilst it is recognised that a residential dwelling can be located on Rural or Agricultural land, the residential amenity concessions such as those identified above (i.e. noise, dust and spray) should not be necessary for residential dwellings located in the Low-Density Residential Zone. If the Agriculture zoning is applied as proposed within the Draft LPS, the amenity of residents within the adjoining Low-Density Residential zone is also at risk of being unreasonably impacted.

In addition, the lots within area rely upon tank water which may also be at risk of exposure to irrigation and other emissions from aquicultural uses, particularly given the proximity to potential broadscale agricultural uses if the proposed zoning outlined under the Draft LPS is approved.

This highlights the need to provide appropriate zoning transitions, to ensure appropriate buffers between non-agricultural residential uses and the scale and intensity of broadscale, intensive agricultural operations allowable within the Agricultural zone.



Given the above, the existing allocation of Rural Resource zoning on the subject site at 701 Arthur Highway, and around the perimeter of the existing Low-Density Residential area provides an appropriate buffer and transition to higher order agricultural activities and should be retained through a like-for-like translation to the Rural Zoning under the draft LPS.

## STATE POLICY ON THE PROTECTION OF AGRICULTURAL LAND

The objective of the state policy is as follows:

### **2. Objectives**

*To enable the sustainable development of agriculture by minimising:*

*(a) conflict with or interference from other land uses; and*

*(b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

As outlined above, removing the buffer created by the existing Rural Resource zoning (both within the site and beyond) and applying the Agriculture Zone substantially increases the risk of land use conflict. This is due to the proximity of established Low-Density Residential.

In order to ensure consistency with the state policy, the existing zoning across the subject site should be retained and consideration should also be made to retaining the allocation of Rural Resource zoning across the adjoining properties to the east, which also border established Low-Density Residential land.

## SUMMARY

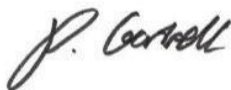
Based on the above, the proposed rezoning of the site at 701 Arthur Highway to Agriculture under the Draft LPS is not, in our expert opinion, consistent with the state policy or the STRLUS and will result in future land use conflicts, fettering and constraint.

This applies not only to the subject site at 701 Arthur Highway, but also the other adjoining Low-Density Residential areas which will also directly adjoin the Agriculture Zone if the Draft LPS is certified.

Whilst it is acknowledged that the provision of zone boundaries which do not accord with a cadastral boundary should be minimised, this submission simply requests the retention of the existing arrangements and appropriate translation into the Draft LPS.

If you would like further information, please do not hesitate to contact me on 6234 9281.

Yours sincerely



Phil Gartrell

Senior Planner

IRENEINC PLANNING