



# SORELL PLANNING AUTHORITY (SPA) AGENDA

14 JANUARY 2025

COUNCIL CHAMBERS  
COMMUNITY ADMINISTRATION CENTRE (CAC)

# NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 14 January 2025 commencing at 4:30 pm.

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## CERTIFICATION

I, Robert Higgins, General Manager of the Sorell Council, hereby certify that in accordance with Section 65 of the *Local Government Act 1993*, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS  
GENERAL MANAGER  
9 JANUARY 2025



## **AGENDA**

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 14 JANUARY 2025

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## 1.0 ATTENDANCE

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Chairperson Mayor Gatehouse  
Deputy Mayor C Wooley  
Councillor B Nichols  
Councillor S Campbell  
Councillor M Larkins  
Councillor M Miro Quesada Le Roux  
Councillor M Reed  
Councillor N Reynolds  
Councillor C Torenius  
Robert Higgins, General Manager

## 2.0 APOLOGIES

## 3.0 CONFIRMATION OF THE MINUTES OF 17 DECEMBER 2024

### RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 17 December 2024 be confirmed."

## 4.0 DECLARATIONS OF PECUNIARY INTEREST



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In considering the following land use planning matters the Sorell Planning Authority intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

## 5.0 LAND USE PLANNING

### 5.1 SUBDIVISION APPLICATION NO. SA 2024 / 9 - 1

<b>Applicant:</b>	MC Planners OBO Secret Sounds Group Pty Ltd.
<b>Proposal:</b>	Four (4) Lot Subdivision.
<b>Site Address:</b>	255 Marchwiell Road, Bream Creek (CT 159560/1) and Council Road Reserve (CT 159559/100)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme (Sorell)</i> .
<b>Application Status</b>	Discretionary.
<b>Relevant Legislation:</b>	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i> .
<b>Reason for SPA meeting:</b>	More than two representations received.

<b>Relevant Zone:</b>	Agriculture Zone Environmental Management Zone
<b>Proposed Use:</b>	Not Applicable (Subdivision Application).
<b>Applicable Overlay(s):</b>	C7.0 Natural Assets Code C8.0 Scenic Protection Code C10.0 Coastal Erosion Hazard Code C10.0 Coastal Inundation Hazard Code C13.0 Bushfire-Prone Areas Code C15.0 Landslip Hazard Code
<b>Applicable Codes(s):</b>	C2.0 Parking and Sustainable Transport Code C3.0 Road and Rail Assets Code
<b>Valid Application Date:</b>	29 May 2024
<b>Decision Due:</b>	17 January 2025
<b>Discretion(s):</b>	1 Clause 21.5.1 Lot Design (P1) 2 Clause C8.6.1 P1.2 scenic protection area
<b>Representation(s):</b>	Twenty (20)

### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2024.9.1 for a Four Lot Subdivision at 255 Marchwiell Road, Bream Creek be refused for the following reasons:



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1. The proposal does not comply with clause 21.5.1 A1 and fails to satisfy clause 21.5.1 P1 as:
  - a) each lot cannot sustain the operation of an agricultural use due to topographical constraints, soil condition and water surety;
  - b) the subdivision will materially diminish the agricultural productivity of the land and fails to protect the long term productive capacity of the agricultural land through impediments to existing grazing activity and absence of reasonable levels of certainty that high value enterprises are suitable for the smaller lot sizes proposed.

### Executive Summary

Application is made for a four (4) Lot Subdivision at 255 Marchwiell Road, Bream Creek. This property is split-zoned Agriculture and Environmental Management and is situated above Marion Bay. The surrounding area inland of the site consists of predominantly cleared rural and agricultural land to the west.

The key planning consideration relates to the suitability of the proposed lots for agricultural use and the associated provisions of the Agricultural Zone. The Agricultural Zone implements planning policies set out in the *State Policy on the Protection of Agricultural Land 2009* which seeks to conserve and protect agricultural land so that it remains available for agricultural activity.

The proposal is assessed as not satisfying the relevant provisions of the Tasmanian Planning Scheme – Sorell and is recommended for refusal.

### Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.



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Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposed subdivision is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.

### Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

*The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.*

### Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.



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- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

### Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	No			
NRM	Yes	Yes	No	
TasWater	No			
TasNetworks	No			
State Growth	No			

### Report

#### Description of Proposal

The proposal seeks four lots:

- Lot 1 is 42.7 hectares with frontage to Burnt Hill Road
- Lot 2 is 132.3 hectares with frontage to Burnt Hill Road containing an existing dwelling
- Lot 3 is 53.2 hectares with frontage to Marchwiell Road containing the Falls Festival infrastructure, and
- Lot 4 is 47.8 hectares with frontage to Marchwiell Road with a new boundary following Marchwiell Road.

Associated works include:

- Lot 1: Upgraded crossover and new 237m long 4m wide access through paddock
- Lot 2: Nil



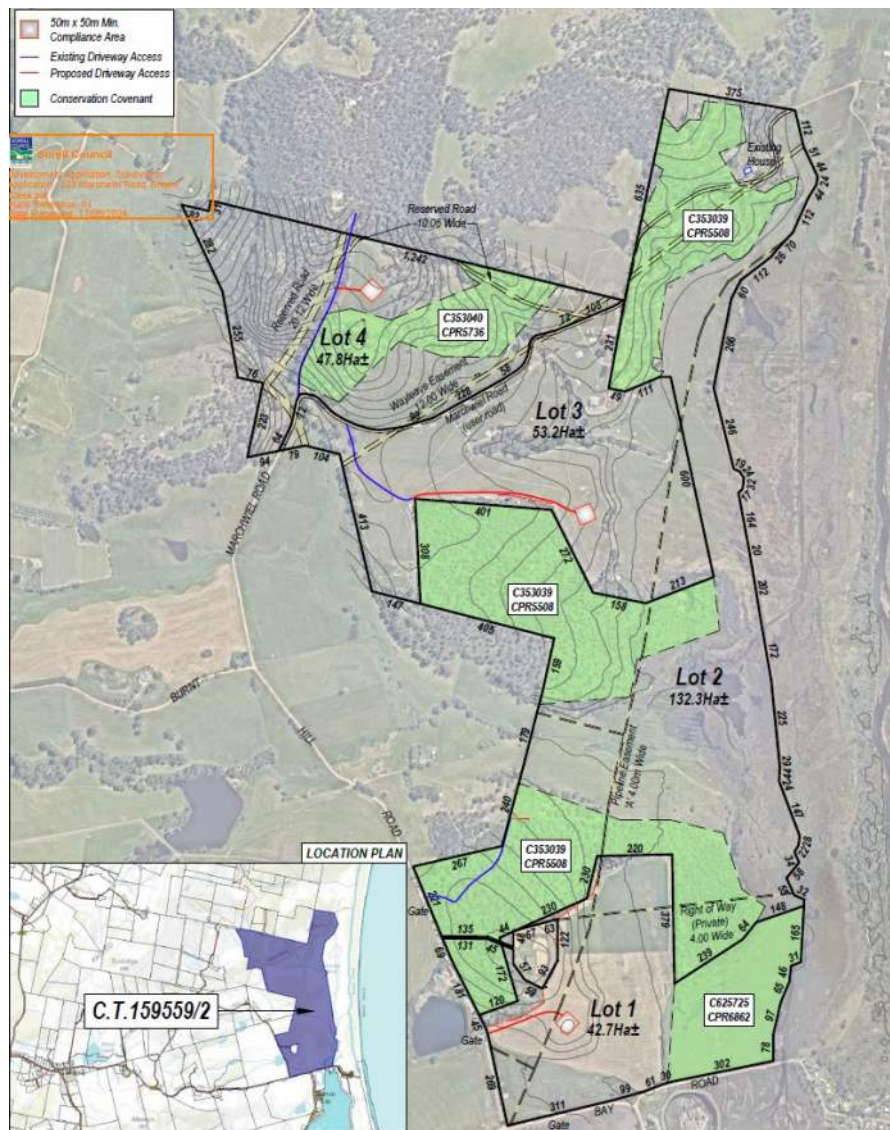
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- Lot 3: Upgraded crossover and part upgrade / part new 817m long 4m wide access through paddock, and
- Lot 4: New crossover and new 258m long 4m wide access through paddock.

New boundaries typically follow road boundaries or conservation covenant boundaries. Lot 1 includes a new boundary through one of the conservation covenants on the site.



**Figure 1. Proposed Subdivision**

The application is supported by:

- a planning assessment from MC Planners dated May 2024;
- a bushfire hazard report from JMG Engineering dated July 2024 (updated);
- a land capability assessment from Geo-Environment Solutions dated May 2024; and
- Covenants Legal Advice from Billet Legal 10 May 2024.

## Description of Site

The subject site is located at 255 Marchwiell Road, Bream Creek. It is an irregular-shaped parcel of land with a single title (CT 159559/2) with a total area of 276.7ha. The site is within the Agricultural Zone and Environmental Management Zone (Figure 3).

The subject site has three frontages: Marion Bay Road, Marchwiell Road, Burnt Hill Road (CT 159560/1), and Council Road Reserve (CT 159559/100) (Figure 2). The site has several existing crossovers via Marchwiell Road and Burnt Hill Road. Marchwiell Road passes through the northern portion of the site as a 'user road' being a public road outside of a road reservation. The proposal plan does not include the creation of a road reservation for this user road.

The site has traditionally been used as agricultural land and a coastal environmental nature area. It was also the previous iconic location of the Falls Festival. The site contains existing buildings, associated outbuildings and several agricultural structures.

The site is subject to three (3) separate covenants for conservation outcomes. These limit actions that the owner can undertake in the covenanted areas such as preventing grazing. The covenants 'run with the land' and apply irrespective of changes in ownership or title.

The whole of the site is subject to overlays for bushfire and scenic protection. Part of the site is subject to overlays for waterway and coastal protection, coastal refugia, coastal inundation, coastal erosion and landslip.

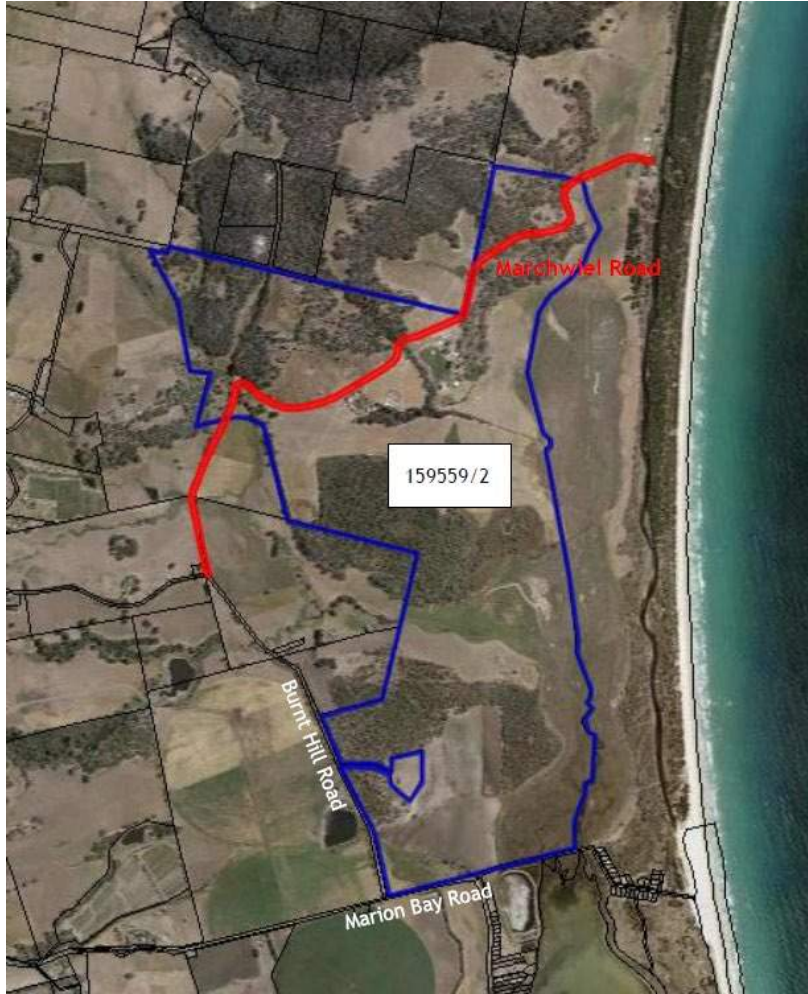


Figure 2. Subject Site



Figure 3. Land Use Zoning

## Planning Assessment

Zone

### Clause 21.0 Agriculture Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
21.5.1 A1	Lot Design	No, as the subdivision it is not required for the crown, state authority, provision of utilities or consolidation. Refer to performance criteria assessment below.
21.5.1 A2	Vehicle Access	Yes, as the proposal includes the provision for one access to each lot in accordance with the road authority requirements.

### Performance Criteria Assessment 1 – Clause 21.5.1 P1 Lot Design

Each lot, or a lot proposed in a plan of subdivision, must:

- a) provide for the operation of an agricultural use, having regard to:
  - i. not materially diminishing the agricultural productivity of the land;
  - ii. the capacity of the new lots for
  - iii. productive agricultural use;
  - iv. any topographical constraints to agricultural use; and
  - v. current irrigation practices and the potential for irrigation;
- b) be for the reorganisation of lot boundaries that satisfies all of the following:
  - i. provides for the operation of an agricultural use, having regard to:
    - not materially diminishing the agricultural productivity of the land;
    - the capacity of the new lots for productive agricultural use;
    - any topographical constraints to agricultural use; and
    - current irrigation practices and the potential for irrigation;
  - ii. all new lots must be not less than 1ha in area;
  - iii. existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;
  - iv. all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and
  - v. it does not create any additional lots; or

- c) be for the excision of a use or development existing at the effective date that satisfies all of the following:
- i. the balance lot provides for the operation of an agricultural use, having regard to:
    - not materially diminishing the agricultural productivity of the land;
    - the capacity of the balance lot for productive agricultural use;
    - any topographical constraints to agricultural use; and
    - current irrigation practices and the potential for irrigation;
  - ii. an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;
  - iii. any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and
  - iv. all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.

Clauses (b) and (c) are not relevant to the application.

Justification for the proposal outlined in the application

The land capability assessment included in the application notes that:

- the land is predominately class 5 with some class 4 and class 6 land as per the Land Capability Survey of Tasmania (Musk and DeRose, 2000);
- most of lot 4 is class 6 land and described as 'the low carrying capacity of the land coupled with limited land area means that a viable agricultural enterprise cannot be sustained on this site';
- the areas of lot 1 and 3 that are class 5 land are "unsuited to cropping due to limitations of slope and erosion" and have limited suitability for grazing due to soil;
- the areas of lot 1 and 3 that are class 4 land "would support continued grazing and fodder cropping for beef or dairy cattle with occasional cropping if water was available" and "could benefit from amalgamation with the larger farming property to the south and west which may provide access to additional water resources";
- the saltmarsh is currently excluded from stock and is not suitable for any agricultural activity; and

- ... “with improvements to on-farm infrastructure, shielding, water supply and irrigation, the productivity of the property could be improved”.

The application is effectively made on the basis that smaller lots are more suitable to high capital investment agriculture, such as successful vineyards nearby, and the proposal would encourage such activity.

With respect to the performance criteria, the land capacity assessment notes:

- (a) (i) is met as the subdivision will not modify the land or affect the productive capacity of the land, smaller lots have attracted vineyard investment elsewhere and the titles are ideal for encouraging investment in high value crops;
- (a) (ii) is met as each lot allows for future productive agricultural use and each balances the mix of productive and unproductive land;
- (a) (iii) is met as sloping pasture areas are suitable for continued grazing or viticulture; and
- (a) (iv) is met as ‘future irrigation would require investment on new dams/bores or share farming or amalgamation with adjacent titles with access to irrigation resources. The subdivision may facilitate such share farming or amalgamation opportunities.

### Officer assessment

It is considered that the performance criteria is not satisfied given:

- The proposal will likely materially diminish the agricultural productivity of the land through the division of already marginal land into smaller lots, noting that:
  - there is no evidence of water surety from any future bore or dam;
  - the merits of the application rely on acquisition by surrounding land, which can be achieved by lease (such as the existing lease referred to in representations) or boundary reorganisation rather than subdivision;
  - there is no evidence that adjoining land would seek to acquire any of the lots;
  - division of the land would directly impede the existing grazing operations and result in reduced stocking while simultaneously limited diversification options.

- The new lots have minimal, if any, capacity for productive agricultural use, noting that:
  - each lot has minimal productive area;
  - each lot has poor quality land and/or areas restricted by covenants;
  - there is limited water and no certainty of future water.
- The lots have topographical constraints of poor soil quality, covenants and grade.
- The lots have inadequate access to current or future irrigation water supply that would be necessary to establish higher value agricultural operations than the current grazing operation.

It is important to note that the performance criteria works on an *each lot* basis. It is not sufficient for some of the land to provide for the operational of an agricultural use – each lot must do so.

As noted above the application is effectively made on the basis that smaller lots are more suitable to high capital investment agriculture, such as successful vineyards nearby, and the proposal would encourage such activity. This logic could be extended to every other parcel in the State in the sense that a new lot could be put to more productive agricultural use. The reasonable approach however requires consideration of likelihood that necessary investments would be made having regard to the particulars of the site.

This proposal is a speculative subdivision with no evidence of any prospective investment in more productive agricultural use yet with evidence of significant constraints that are inherent to the location and qualities of the site.

#### Clause 23.0 Environmental Management Zone

Most of lot 1 and lot 2 are subject to the Agriculture Zone. On this basis, lots 1 and 2 are assessed only against the majority Agriculture Zone rather than assessed under both zones. This is based on tribunal cases determined under old planning schemes which have not been confirmed under the Tasmanian Planning Scheme.

MC Planners do include an assessment of the proposal under the Environmental Management Zone. While irrelevant, it is considered a reasonable assessment of the provisions.

**Code(s)**

**Parking and Sustainable Transport Code**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C2.6.3 A1	Number of Accesses for Vehicles	Yes, as the proposal includes the provision for one access to each lot.

**Road and Railway Assets Code**

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic Generation	Yes, as the likely traffic generation is less than the 40 additional vehicle movements provided by the acceptable solution.

**Natural Assets Code**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1 A1	Subdivision within a waterway and coastal protection area or a future coastal refugia area	Yes, as the proposal does not include any works within the waterway and coastal protection overlay.
C7.2.2 A1	Subdivision within priority vegetation area	Yes, as the proposal does not include any works or clearance of vegetation within the priority vegetation overlay.





**Scenic Protection Code**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C8.6.1 A1	Development within a scenic protection area	No, as the works (driveways) total more than 500m <sup>2</sup> in extent.

Performance Criteria Assessment 2 – Clause C8.6.1 P1.2 Development within a scenic protection area

*Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to:*

- (a) *the topography of the site;*
- (b) *the location of, and materials used in construction of, driveways or access tracks;*
- (c) *proposed reflectance and colour of external finishes;*
- (d) *design and proposed location of the buildings or works;*
- (e) *the extent of any cut or fill required;*
- (f) *any visual impact on a skyline;*
- (g) *any existing or proposed screening; and*
- (h) *the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

The management objectives for the Ragged Tier scenic protection

- a) *Maintain the rural character and significant views to the coast and Marion Bay.*
- b) *Development must be compatible with surrounding rural character including scale, exterior building materials and colours.*
- c) *Discourage development along significant skylines, ridge lines and visually prominent locations that are visible from main public roads, such as Marion Bay Road Bay Roads.*
- d) *Development on the vegetated hills must be unobtrusive by its siting, design, exterior finish and landscaping, or be designed to have minimal visual impact consistent with the quality of the scenic and landscape values of the site and area.*

area are:

The performance criteria is satisfied as the new driveways would have minimal affect on the landscape noting that they require minimal cut



or fill, are not on a skyline and generally occur amongst existing infrastructure.

**Coastal Erosion Hazard Area**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C10.7.1	Subdivision within a coastal erosion hazard area	Yes, as the proposal is able to contain a building area, all vehicle access and services outside the overlay.

**Coastal Inundation Hazard Area**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C11.7.1	Subdivision within a coastal inundation hazard area	Yes, as the proposal is able to contain a building area, all vehicle access and services outside the overlay.

**Bushfire-Prone Areas Code**

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s52(2)(d) of LUPAA requires the planning authority to accept.

**Landslip Hazard Code**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C15.7.1	Subdivision within a landslip hazard area	Yes, as the proposal is able to contain a building area, all vehicle access and services outside the overlay.

**Public Open Space Policy**

The cash-in-lieu of public open space provisions of Sorell public open space policy do not apply to the Agriculture zone.



Section 5.2 of the public open space policy outlines criteria to assess the taking of land. Among other matters, this section has regard to any related Council policy, whether the land is conveniently located with respect to the wider area along with existing open space and any alternatives, whether the land would contribute to Council's ability to support a diversity of recreational activities and the demand created.

In this case, the proposal would not increase the demand for public open space. There is also no opportunity for connectivity to any track or trail.

**Representations**

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

Twenty (20) representations have been received, which are addressed in the following table.

<b>Issue</b>	<b>Relevant Clause</b>	<b>Response</b>
Discrepancies in dimensions between title documents and proposed boundaries.	Nil.	Several discrepancies are noted. It is not clear if the proposal plan is prepared from new survey work or from existing titles. The discrepancies have no material effect on the application given the lot sizes proposed.
Application is contradictory in being for agricultural use whilst including building envelopes, etc for dwellings.	Nil.	Noted. The Tasmanian Planning Scheme requires agricultural subdivisions to also demonstrate suitability for dwellings.
The lots cannot sustain agricultural activity for reasons including: <ul style="list-style-type: none"> <li>• reducing the ability to rotate grazing stock over larger area thereby</li> </ul>	21.5.1 P1	For reasons discussed earlier in the report, the proposal should be refused on the basis that the lots cannot sustain agricultural activity among others.



<p>reducing the existing levels of stock</p> <ul style="list-style-type: none"> <li>• current stock levels are not commercially viable</li> <li>• the site has poor quality soils and supplemental feed is required for grazing</li> <li>• the lots cannot support commercially viable grazing, cropping or any other agricultural pursuit</li> <li>• lack of water storage or irrigation rights,</li> <li>• lack of capacity of any adjoining property to supply water or acquire the land as outlined insinuated in the proposal.</li> </ul>		
<p>If approved, a Part 5 Agreement preventing future dwelling should be required.</p>	<p>21.5.1 P1 (c)</p>	<p>Lot excision can be subject to part 5 agreements preventing new dwellings. This is not a lot excision and such a restriction may not be reasonable.</p>
<p>Building envelopes are near landslip areas.</p>	<p>C15.0</p>	<p>Noted.</p>
<p>Land should be sold to the Tasmanian Land Conservancy or Bob Brown Foundation.</p>	<p>Nil.</p>	<p>No comment.</p>
<p>Potential impact to the saltmarsh from more intensive forms of agriculture necessitated by small lot sizes, including need for soil and water quality testing and plans for ongoing environmental monitoring.</p>	<p>Nil.</p>	<p>The saltmarsh is within the Environmental Management Zone. A larger buffer area is created through the waterway and coastal protection overlay.</p> <p>In most instances, any new or modified agricultural use will not require any planning approval where located in</p>



		the Agriculture Zone. However, in the Environmental Management Zone a discretionary permit would be required and would need to be consistent with the ecological values of the site.
Potential impacts to priority vegetation areas and conservation covenant areas from more intensive forms of agriculture necessitated by small lot sizes.	Nil.	No comment.
Existing inadequate management issues including waste	Nil.	No comment.
Existing boundaries are incorrectly marked onsite.	Nil.	If approved, new boundaries will be surveyed and marked. There is no ability for the Planning Authority to require an identification survey for any other boundary.
"Given the history and significance of the site, as well as discussions of the possible return of festivals, I recommend involving neighboring property owners and stakeholders in the decision-making process to ensure transparency and address local concerns. The original application was presented as a small festival we would hardly notice, but in hindsight, that was a very misleading statement."	Nil.	This is a matter for the representor to discuss with the owner.
"The annual Falls Festival stood as a great cultural event and was the reason the land was set aside by David Walsh many years ago. As a result of Covid many festivals of that nature struggled and could be taken over by foreign interests. I	Nil.	No comment.



<p>believe Secret Sounds Group are now a subsidiary of Live Nation. Please review Four Corners investigation into that company's business practices. The only use of that land should be their presumed primary activity; Music festivals not land grabbing."</p>		
<p>"We would also like to understand the status of the many structures that are on that property that appear to have been constructed without or with expired temporary permits as the planning application makes no mention of the cleaning up these works, or the general rubbish strewn poor condition of the site that is clearly not maintained. Can you please advise on the status of the structures at 255 Marchwiell Rd that are not maintained and a potential hazard?"</p>	<p>Nil.</p>	<p>This is a matter for Council's compliance team.</p>
<p>Marchwiell Road is single lane only and inadequate for additional lots.</p>	<p>C3.0</p>	<p>Traffic generation does not trigger a discretion. Therefore, the suitability of the roadway cannot be considered.</p>
<p>Impact of future building works on land subject to the scenic protection overlay.</p>	<p>C8.0</p>	<p>It is not possible to assess the impact of future development.</p>
<p>Threatened Species impacts including:</p> <ul style="list-style-type: none"> <li>• no mention of threatened species in the application</li> <li>• no assessment of threatened species impacts</li> <li>• impact of wildlife control under changed agricultural practices</li> <li>• no assessment of the EPBC (Environment</li> </ul>	<p>Nil.</p>	<p>There is no head of power in the planning scheme to require assessment of threatened species. This is a result of the Tasmanian Planning Scheme .....          ...          ... what are the new roads ....          The EPBC has a self-referral process, and it is entirely a</p>



<p>Protection and Biodiversity Conservation Act) listed saltmarsh vegetation community or low-land grass community</p> <ul style="list-style-type: none"> <li>• habitat within agricultural land</li> <li>• bird strike risk from new fencing</li> </ul>		<p>matter for the proponent to consider. TASVEG 4 does not identify any low-land grass community on the property.</p> <p>Agricultural fencing is exempt from approval irrespective of any subdivision. Associated tree removal may require approval if within the priority vegetation area overlay applies and tree removal is necessary. Exemption do apply for tree removal necessary to fence a title boundary.</p>
<p>Impact on the covenanted areas through access and fencing.</p>	<p>C7.0</p>	<p>The subdivision layout generally avoid the potential for fencing through covenant areas and any impact is likely minimal.</p>
<p>Lack of a natural values assessment</p>	<p>C7.0</p>	<p>As noted early, the proposal does not trigger any performance criteria related to natural values and, further, does not proposal or require any direct works that would require impact to native vegetation or other natural values. On this basis there was no lawful capacity to require a natural values assessment.</p>
<p>“Exemption 4.4.1 h allows for the clearance of 1.5 m of a lot boundary. The boundary of Lot 1 and 2 is within saltmarsh vegetation. The subdivision would, as a consequence, result in an exemption that would conflict with the intent of clause 23.5.1 (c). This is also in conflict with the conservation covenant</p>		<p>This appears to be an issue with the Tasmanian Planning Scheme rather than the subdivision.</p>



C625725 Clause 4 (i) clearance of native vegetation and C252039 4.1 (b) clearing of indigenous vegetation."		
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### Conclusion

The application is considered to not comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell)* and is recommended for refusal.

Shane Wells

### Manager Planning

Attachments:

Representations x 20  
Proposal Plan

*Separate Attachments:*

*Planning Assessment from MC Planners*

*Bushfire Hazard Report from JMG Engineering*

*Land Capability Assessment from Geo-Environment Solutions*

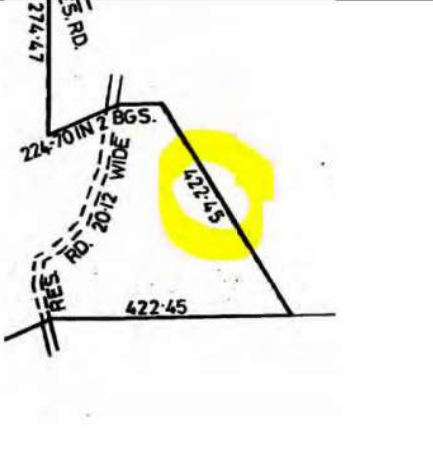
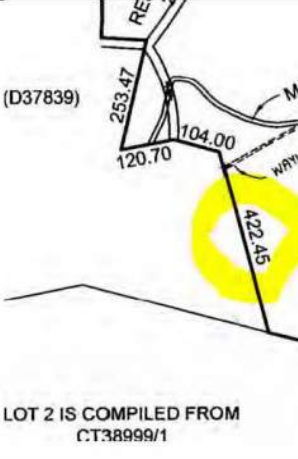

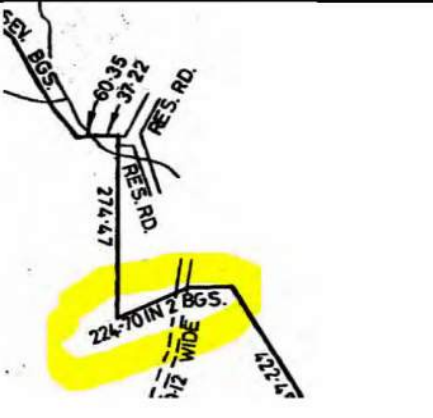
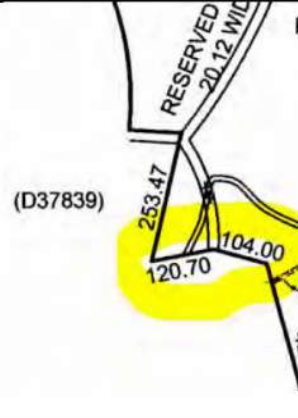
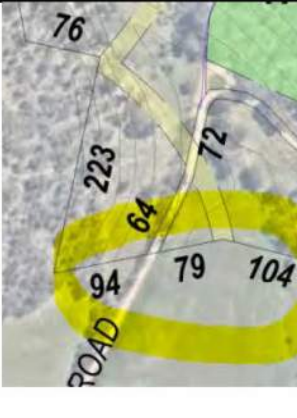
*Covenants Legal Advice from Billet Legal 10 May 2024.*



To council

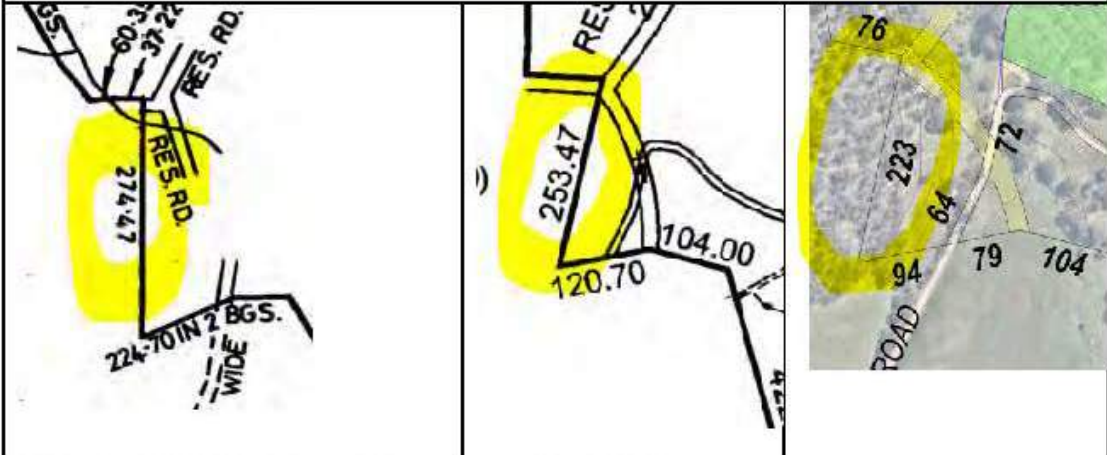
I have had a look at the application information, and it appears the boundaries are incorrectly illustrated and have not reflected the details from title documents nor acknowledged the existing long-established use of the land and boundary configurations. I believe the proposed drawings represent significant discrepancies and that they should be corrected.

I note the following specifically, but this list is not conclusive:

Folio plan D37839-1	Folio plan 159552-2	Proposed drawing in the application
<p>The proposed plan does not represent either of the title plans</p> <p>The total boundary discrepancy appears to be approx 9.45 meters</p>		
	 <p>LOT 2 IS COMPILED FROM CT38999/1</p>	
<p>The proposed plan does not represent either of the title plans</p> <p>The total boundary discrepancy appears to be approx 53 meters</p>		
		
<p>The boundary within Folio plan D37839-1 shows a length of 274.47m (this is consistent with the distance illustrate in historical plan 2986-1 with the addition of the land added with adhesion order B222840)</p>		

Folio plan 159552-2 shows a length of 253.47m – this being approximate to the length of the boundary prior to adhesion

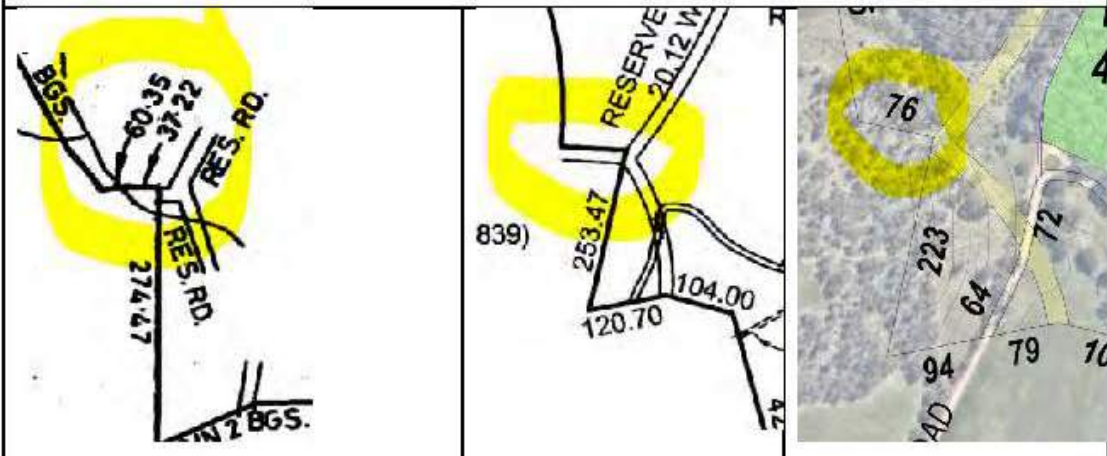
The proposed boundary appears to have a different length again of 223m – this being a discrepancy of 51.47m



Folio plan D37839-1 shows 2 lengths totalling 97.57m

Folio plan 159552-2 shows no figured dimension

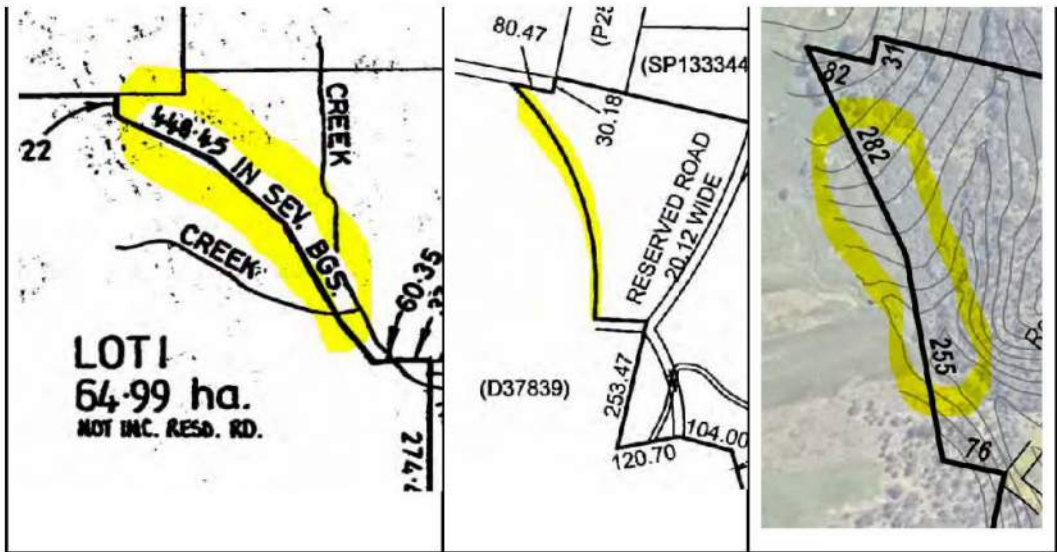
The proposed plan indicates a length of 76m



Folio plan D37839-1 shows a length totalling 448.45m in several bearings

Folio plan 159552-2 shows no figured dimension

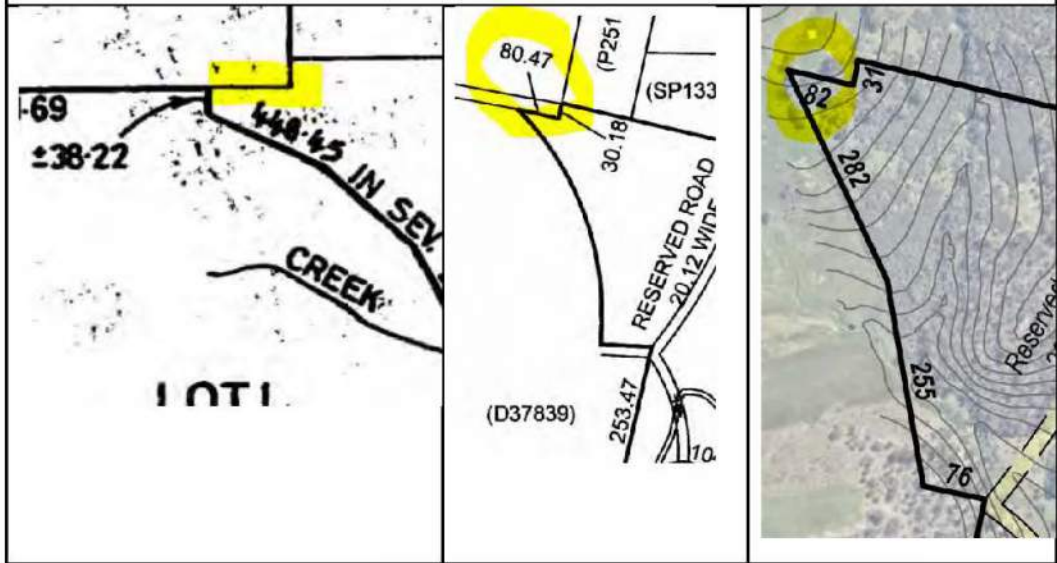
The proposed plan indicates 2 lengths only totalling 537m – being a discrepancy of 88.55m



Folio plan 159552-2 shows a dimension of 80.47m

The proposed plan indicates a length of 82m

Folio plan D37839-1 does not provide a dimension of this section of the boundary however it has a differing arrangement noted as approx. 38.22m this being reflective of post adhesion arrangements (from historically plan 2986-1)



These errors considerably effect the proposed plan, and the application cannot possibly be considered valid in its current configuration.

I'm unsure what I should do from here and would seek councils' guidance as this issue considerably miss represents the extent of the property and its impact on the adjoining land of 104 Bream Creek Road.

I would hope we will be discussing further in the coming days



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 47 Cole Street Fax 03 6269 0014  
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**SUBMIT A REPRESENTATION ON A PLANNING APPLICATION**

*This form is to help you make a representation (objection) to an application. However, there is no requirement to use this particular form.*

<b>Representor Details</b>	
Your Name:	
Your Postal Address:	
Your Address (if different to the above)	
Your Contact Details:	Phone.....Mobile:..... Email.....
<b>Application Details</b>	
Application Number:	7.2024.9.1
Application Address:	4 lot subdivision - 255 Marchiwiel Rd Bream Creek

<p><b>What are your concerns with the proposal</b></p> <p>The submission is contradictory in the fact that it notes that the application is for subdivision of land for agricultural use whilst including commentary and allowances for (presumably residential) building envelopes, citing suitable onsite waste water treatment and bushfire assessment reports for dwellings</p> <p>The application does not demonstrate that the significantly reduced lot sizes will allow for current an future productive agricultural uses. given the land is currently used for grazing , which requires rotation of stock it is clear that this development will in its nature significantly reduce productive use of the land</p> <p>The application points to the land being high value land with capability to support other forms of agriculture such as vineyard (refer to response to council RFI) and then subsequently notes the land presently has low to moderate agricultural potential with lack of any significant water storage or irrigation rights meaning there is little realistic opportunity for high value agriculture on small lots as suggested.</p> <p>The application should be assessed on this current low agricultural potential on this basis and as such is not suitable for subdivision as proposed.</p> <p>The GES report notes the land is classified as class 4 to 6. noting comments above relating to limited water access or irrigation rights it is not realistic to suggest land use classification can be easily improved and as such the land classification and use should be assessed as suitable for grazing as indicated in the GES report. if assessed on this land use classificaiton the proposal clearly reduces agricultural production potential</p> <p>Should the subdivision be approved an agreement under section 71 of the Act should be entered into and registered on the title preventing future Residential use if there is no existing dwelling on the Lot (lots 1,3 &amp; 4)</p>
--

Additionally the housing envelopes appear to be immediately adjacent to noted landslip areas for lots

*Important notes about the Representations against a planning application:*

- Supporting documentation, such as photos, plans, sketches etc (PDF only if submitting online) can be attached to this form;
- Please make sure you clearly understand what is proposed before you make a representation;
- Ensure we receive your representation by the due date and through one of the means specified in the public notice;
- We will inform all representors of the decision; and
- You, the applicant and any other representor can appeal against the decision.

Telephone: (03) 6269 0000 Fax: (03) 6269 0014 Email: sorell.council@sorell.tas.gov.au  
 8:00am - 4:45pm Weekdays Web: www.sorell.tas.gov.au November 2022



27 November 2024

Robert Higgins  
General Manager  
Sorell Council

**Development Application - Subdivision of the Falls Festival Site at  
Marion Bay  
(Application number SA 2024/9-1)**

Dear Sir/Madam,

I am writing to make a representation **strongly opposing** a four-lot subdivision of this land.

The land contains a functioning saltmarsh wetland in the middle of each of these sites, with already covenanted areas.

This saltmarsh is significant in global terms, especially in these times of Global Warming as a buffer for flooding and sea level rise.

Historically as part of Marchweil, this was a functioning ecosystem that had been degraded by use for agricultural purposes, notably grazing. Fortunately, the previous owners (James Dunbabin) recognised its value to Global Resources and areas were covenanted through 'Land For Conservation'

Reverting it to a functioning wetlands with its inherent values has taken some 15 years and has been the subject of numerous long term studies by the University of Tasmania under the leadership of Vishnu Prahalad. Vishnu has supervised four Ph.D studies at the site.

The local Coastcare group has an ongoing weed management program to ensure it and surrounding land remains in pristine natural condition.

### **Value of the Wetlands**

**Carbon Sequestration.** They draw down carbon from the atmosphere, capturing this global warming gas 40 times faster than rainforests.

**Biodiversity.** They replace the mangroves on the mainland as fish nurseries.

**Filtration of water** from agricultural land and going into Blackman Bay to provide the habitat for a healthy shellfish industry.

**Bird Habitat.** This particular saltmarsh is the feeding ground for migratory birds flying in from the Arctic Circle. The Bar-tailed Godwit is one such bird. It is your Sorell Council logo!

As ratepayers of this Municipality and with property overlooking this site, I implore you to disallow this Application. It also has a value in recreational and tourism terms.

Local property owners,

**From:**  
**To:** [Sorell Council](#)  
**Subject:** Re: Sorell Council - representation for SA2024/9-1 255 Marchwiell road Bream Creek  
**Date:** Thursday, 28 November 2024 4:55:45 PM

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Subject: Submission Regarding Subdivision Proposal – Adjacent Land Sorell Council - representation for SA2024/9-1 255 Marchwiell road Bream Creek

Dear General Manager,

I am writing to express my concerns and provide recommendations regarding the proposed subdivision of the land adjacent to my property, previously utilised by the Falls Festival. Thank you for the opportunity to share my feedback and highlight key issues that require attention to ensure the proposal aligns with community values and environmental protections.

#### Background and Concerns

##### 1. History of the Site

The area bordering my property was previously used to house facilities such as a human waste processing site and a greenhouse for the Falls Festival. While waste management was adequately maintained during the active years of the festival, the site has become increasingly neglected since the festival ceased operations pre-COVID.

##### 2. Rubbish Accumulation

Loose rubbish, including materials from the fallen greenhouse and other debris also including the human waste large bins, has accumulated along my property fence and in the buffer zone between us. Despite raising these concerns with the real estate managing the property, resolution has been slow, and the site remains untidy. Photos documenting the waste and its impact are available upon request.

##### 3. Environmental Impact

The land surrounding the proposed subdivision includes farmland and a significant saltwater marsh ecosystem, both vital to the local environment. Improper waste management poses risks to waterways and native animals, particularly in such ecologically sensitive areas.

##### 4. Safety Concerns

High winds previously caused the greenhouse to collapse, leaving plastic debris that sat unattended for an extended period before being cleared. We fear further neglect could lead to additional hazards, including waste being carried into the marsh or surrounding farmland. The aging infrastructure on the property, including the deterioration of festival structures, could lead debris potentially finding its way into neighbouring areas, including waterways. The clean up has been very neglected.

##### 5. Boundary Concerns

The boundaries of a neighboring property we help farm are incorrectly marked, leading to potential disputes and confusion. This issue must be rectified before any subdivision is approved. Additionally, all boundaries should be thoroughly and accurately marked to



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ensure neighboring property owners are not left with improperly defined or incorrect boundaries. This should be a priority.

#### Recommendations for Consideration

To ensure the subdivision proceeds responsibly and aligns with local and environmental priorities, the following actions should be reviewed:

##### 1. Comprehensive Cleanup Plan

The landowner should be required to address and remove all existing rubbish and waste from the site before any subdivision is approved. This should include establishing long-term waste management protocols.

##### 2. Environmental Impact Assessment

A thorough assessment should be conducted to evaluate the potential impact of the subdivision on the surrounding farmland and saltwater marsh. This should include soil and water quality testing and plans for ongoing environmental monitoring.

##### 3. Community Consultation

Given the history and significance of the site, as well as discussions of the possible return of festivals, I recommend involving neighboring property owners and stakeholders in the decision-making process to ensure transparency and address local concerns. The original application was presented as a small festival we would hardly notice, but in hindsight, that was a very misleading statement.

##### 4. Boundary Rectification

All property boundaries should be closely reviewed and accurately marked as part of the subdivision process to prevent future disputes or complications. Specifically, the existing incorrect boundary affecting the neighboring property we help farm must be rectified.

##### 5. Development Conditions

If approved, the subdivision should include conditions requiring:

- Proper fencing and waste containment to prevent further accumulation near neighboring properties.
- Measures to protect the saltwater marsh, including buffer zones and restrictions on activities that could disturb its ecosystem.

The land adjacent to my property has long been a part of our community—first a farm, then an integral festival site, and now as a potential development opportunity. While I support growth that aligns with sustainable practices, it is imperative that the subdivision addresses the existing waste issues, safeguards the local environment, and respects the needs of surrounding farming properties. This proposal seems inconsistent with the framework for development previously adopted by the council.

I trust the council will take these concerns into consideration. I am happy to provide further information, including photographs of the site, and to participate in any consultations or discussions regarding this matter.



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14 JANUARY 2025



**From:**  
**To:** [Sorell Council](#)  
**Subject:** Objection to Planning Application SA-2024/9-1  
**Date:** Thursday, 28 November 2024 6:00:30 PM

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28 November 2024

General Manager  
Sorell Council  
RE Planning Application SA - 2024/9-1

Dear Sir

I write in opposition to the above application. I have a long association with this region as a past ratepayer with ongoing close ties.

Marion Bay is an exceptional example of agriculture working alongside a pristine environment. It is a landscape that draws vast number of tourists to this south east corner.

The application notes: "Much of the land is cleared, with a number of large areas of vegetation. The site has a permit for use for a music festival, and as such contains fences, stages, toilets, showers, site offices, etc. Sedbury Creek adjoins the northeast corner of the subject site."

The annual Falls Festival stood as a great cultural event and was the reason the land was set aside by David Walsh many years ago. As a result of Covid many festivals of that nature struggled and could be taken over by foreign interests. I believe Secret Sounds Group are now a subsidiary of Live Nation. Please review Four Corners investigation into that company's business practices. The only use of that land should be their presumed primary activity; Music festivals not land grabbing.

Sincerely yours,



From: [Redacted]  
To: [Sorell Council](#)  
Subject: Representation re: SA 2024 /9 - 1 255 Marchwiel Rd  
Date: Friday, 29 November 2024 8:36:16 AM

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To whom it may concern,

As nearby residents we would like to express our concern about the proposed subdivision at 255 Marchwiel Rd.

This is an area that after much consultation with the local community as part of the new planning scheme was zoned for agricultural use. The proposed development is clearly a rural or rural living style development as the proposed blocks would have little to no agricultural value. In our opinion this is a money making scheme by a primarily US owned corporation and has little consideration for the preservation of agricultural land as was the intent of the new planning scheme. They have been trying to sell the block for many years and have not been able to as they have had a way above market price expectation e.g. they were asking \$9M when a nearby block of similar size had sold for \$1M. While the application does not propose new dwellings the intent for these is clearly in the application and the blocks would have little to no value without them.

In addition if they are building drives to potential house sites do they not also have to put power into those for what is clearly a residential subdivision?

We would also like to understand the status of the many structures that are on that property that appear to have been constructed without or with expired temporary permits as the planning application makes no mention of the cleaning up these works, or the general rubbish strewn poor condition of the site that is clearly not maintained. Can you please advise on the status of the structures at 255 Marchwiel Rd that are not maintained and a potential hazard?

Regards,  
[Redacted]



**From:** [no-reply@www.sorell.tas.gov.au](mailto:no-reply@www.sorell.tas.gov.au) on behalf of [Sorell Council](#)  
**To:** [Sorell Council](#)  
**Subject:** New submission from Contact  
**Date:** Friday, 29 November 2024 9:27:37 AM

<b>Name</b>
[REDACTED]
<b>Email</b>
[REDACTED]
<b>Phone</b>
[REDACTED]
<b>Enquiry Type</b>
General
<b>Is your enquiry related to a particular address?</b>
No
<b>Message</b>
Re Submission SA 2024/9 - 1 I am against overseas companies like LIVE NATIONS owning rural land for later subdivision .



[REDACTED]  
[REDACTED]  
1 December 2024

**To: Robert Higgins General Manager Sorell Council**

**RE: Development Application SA 2024/9-1 - 7.2024.9.1-255-Marchwiell-Road Bream Creek**

Dear Sir,

I am writing to express **our objection** to this application for the proposed four-lot residential subdivision of land in the area of a saltmarsh wetland. Allowing development in this entirely inappropriate location, which has taken 15 years after its use as agricultural land ceased to regenerate to its current excellent, natural functioning condition would be a travesty.

There are also significant risks for the proposed residents in relation to Coastal Inundation as it stands (before any sea level rise is taken into account for the future), it contains Priority vegetation under the Natural Assets Code, is a Waterway and Coastal Protection area over a significant proportion of the application and is a Scenic protection area – particularly relevant to us (pp4-14 Figures 2-9 in the Planning Report apply).

The proposed sub-divisions all interfere with the integrity of the covenanted areas in a significant way. The potential to drive a 3m wide roadway through the area to a homestead will inevitably create significant damage, as will a 1.5m wide clearing to allow for a boundary fence, particularly if it is fauna-proof.

The Falls Festival site is obviously degraded and not well maintained any more. It is not clear what pre-work would be done to remediate it before the sale of the residential blocks, but this should be a given, even now. Selling the land makes it clear that the owners have little or no confidence that the music festival will ever return.

Like the rest of the local area this location does not have access to sewerage, meaning a septic system or similar will certainly add contaminants to this pristine area. Potentially they will be off-grid (ie no



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poles and wires) and on tank water, all of which add a significant footprint, more so if they are to be grid connected. This is before the inevitable effects of human habitation add ongoing damage to this ecosystem.

I know as a nearby resident, using our own experiences of the type of lifestyle this area provides, any new home owner is likely to also want to build a vege patch/orchard which requires a fortress-like protective structure to prevent the local wildlife eating it all, perhaps a chook shed and maybe graze a few animals which again, just adds to the damage potential to the sensitive ecosystems.

We overlook the northern end of this area and the efforts that have gone into returning it to its original condition has been significant and are ongoing from a committed group of people. We value their work and the outcomes greatly – it is a much better use of this land than residential development in the short, medium and long term for this and future generations.

We sincerely hope that you will take these factors into consideration and reject this application.

Thanks and Regards [REDACTED]



Representation in Respect of Application for Development/Subdivision S A  
2024 /9 – 1 of Property at 255 Marchwiell Road Bream Creek into Four (4) Lots

Representation by [REDACTED]  
[REDACTED]

This representation is to register an objection to the proposed subdivision under a number of criteria with respect to the current Landuse Planning Scheme, the current classification of the title at the applicant's address being Agriculture.

1. General Criteria

The current landuse of the title is livestock grazing which sits well with the other general land uses of the area, being livestock, wineries and tourism ventures. This area has gradually been developed as one of the iconic scenery, tourism destinations of the Sorell Municipality. It offers outstanding scenic views, restaurants, cellar door wineries, pristine beach walking, wildlife in habitat, bird watching and fishing.

The property at 255 Marchwiell has been used for Music Festivals, much to the detriment of many of the attributes of the area. The current owners, one Australian Entertainment Group and one large USA Entertainment Corporation have allowed the very badly constructed infrastructure, supposedly temporary, to decompose into an eyesore that is a blight on the formerly pristine farming land. For tourists who may wish to avail themselves of what is to offer on David Walsh's property further down the road, and those viewing the area from Marion Bay Road, this is currently an embarrassment to any who must drive along the road going through the property.

The current owners, in my opinion, have always been interested in using the property as an income delivering entertainment venue. When this has failed, they seem to be looking at it purely as a means of making money out of real estate subdivision. This goes against everything that the new land planning scheme is aiming for, that is to keep agriculture land under its designated use. Subdividing this title smacks of opportunism and a wish to make money for overseas corporations.

Note that this is currently zoned Agricultural and Environment Management and yet this proposal has **huge negative implications down the track for the healthy environmental management of a sensitive and extremely valuable waterfowl marshland area, that is a major future tourist attraction.**

In conversations with the residents of Bream Creek and Marion Bay, this is the last thing that they would wish to see happening with land in this area.

I will address the specifics of the problems with approving such a subdivision under the planning scheme criteria.



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2. Lot Design

The report suggests that the lot design meets the required criteria of not materially reducing the agricultural productivity of the land. Obviously, this depends on the future agricultural use of the land, which is not stated nor even investigated.

Currently it is used for livestock grazing. Conversations with the local farmers in Bream Creek and surrounds indicate that even under its current title area, the land does not supply enough grazing area to even make a minimalist living. **Even more importantly, the land does not have a water supply and there are no suggested means for supplying one. Dividing the land into lots would make this even worse.** Other land uses such as grape growing or intensive crop agriculture faces similar problems with both water, soil conditions and potential impacts on the marshlands and conservation areas.

**We would suggest that the community would need to be informed as to the proposed land use of each of these areas to properly determine the future impact of such land use. This is the only way that the criteria of Lot Design may be properly assessed. At this point it fails the criteria 21.5.1.**

3. Development Area

The planning scheme requires that the lots must demonstrate no adverse effects on conservation areas. These lots adjoin and encompass conservation and protected areas. Opening these up for future land use changes opens the door for huge adverse effects on the marshlands and the conservation areas. Given that the general consensus of the local landowners is that a living is not possible out of grazing small lots, then the only avenue is intensive agriculture.

**This needs copious amounts of water (not available) and also often involves intensive treatment of plants through spraying. The runoff would be hugely detrimental to the marshlands as demonstrated around the world. Wildlife organisations would be incensed at such a possibility.**

**As such this proposal fails criteria 23.4.1.**

4. Provision for building envelope

The proposal indicates that it does not need to address this criteria and yet the accompanying graphics of the proposed subdivision show at least three potential housesits. They do this and yet provide no proper road access design and no limitations on the building design. Building design would be a significant criteria for an area that has been identified for its scenic beauty for tourism. Nor do they indicate what would need to be identified to qualify for placing a building/house on these sites.

The current road leading to these proposed lots is Marchwiell Road. This road is unsealed single lane and only just suitable for current use. **Future farm efforts for four blocks would require a significant upgrading of this road to two lane capacity. This would involve a considerable outlay of capital for either the proponents or the community.**

**As such this proposal does not meet criteria 23.5.1.**

#### 5. Impact on waterways and conservation areas

A proper investigation of this criteria alone should be enough to reject this subdivision application. Although it addresses proposed boundary limitations, **it does not address possible future adverse effects on sensitive wetlands which adjoin the boundaries. There has been no indication as to how new owners would make a living out of agriculture on these lots and consequently how this would impact the irreplaceable wetlands. Notably the proponents have steered clear of the topic.**

If as indicated by the expert farmers in the area, in both dairy and beef and sheep farming, it is impossible to make a living out of such small acreage, especially with no water access, then it would fall to other land uses. If so, then this needs to be investigated by Parks and Wildlife to determine possible adverse effects. There is no such consultation in this proposal.

Bear in mind what sort of impacts this might lead to in the next fifty years, if passed.

**Therefore it fails to meet Criteria C7.7.1.**

#### 6. Subdivision effects on priority vegetation areas

The possible effects on wetlands has been discussed. The proposal also includes priority vegetation areas on each lot. Some of these are extensive wetlands areas and others are conservation areas. These areas make up a considerable portion of each block, which severely limits the type of agricultural production available to an owner should this development go through. If they managed to find water somehow and decided to go ahead with some type of intensive agriculture then the impact on both types of priority vegetation would be considerable.

Even if it were used for current usage, grazing on lots 2 and 4 would have a huge impact on priority vegetation.

As well, the conservation areas existing as part of the subdivision are part of the flight corridor for the very small flock of swift parrots that existed in the Boomer Bay/Marion Bay area. Future land use may impact on these as well as the wildlife existing in these areas.

**There is no discussion in the proposal to mitigate potential threats, from land use change, to these areas.**

**It therefore fails to meet Criteria 7.7.1.4**

#### 7. Scenic Protection Code

Bream Creek/Marion Bay is one of the most scenic places in Australia. This is one of the most oft commented on features of our district by tourists who pass through this region.

Any changes or possible changes that occur with land use patterns are going to have a considerable impact on current and future tourism operations within this area.

The proponents of the proposed subdivision try to disguise the possibility for future building projects impacting on the scenic value of the area by stating that there is no building or infrastructure planning, yet they pinpoint possible building sites in their planning overlays, which would have a significant impact on the scenic value of the Bream Creek.



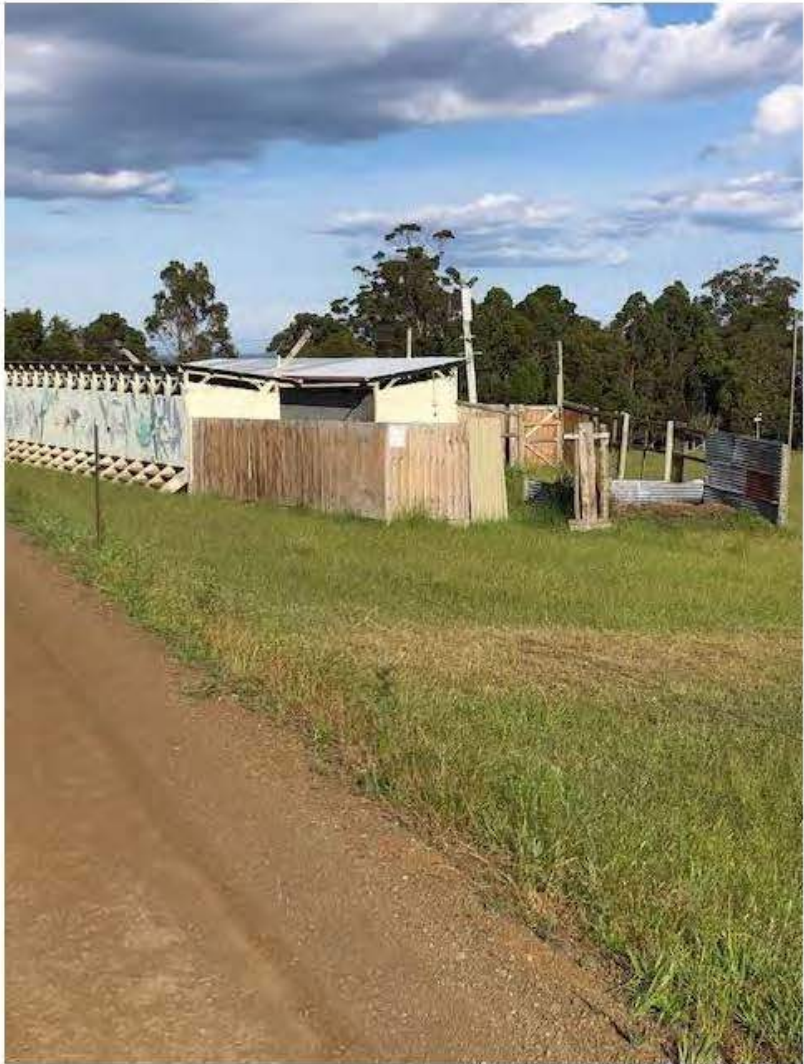
For example, the potential building site highlighted on the plans for Lot 1 would be in direct line of sight from both the restaurant Van Bone and the Bream Creek Winery as well as by all tourists travelling down Marion Bay Rd.

**If the land use change resulted in a huge amount of ugly infrastructure on that site, then this would be extremely detrimental to the scenic value of the area. Given that these changes would be permanent, then the likelihood of this happening sometime in the future is high.**

Likewise, the current infrastructure of the failed Falls Festival Site is already considered to be an ugly blight on the otherwise pristine farming area. This shows that not only do the current owners have little if any regard for the scenic value of the area, but it is also likely that they have no future interest in what may happen on this front in the future.

The following photos show the state of the current property with regard to scenic preservation. Bream Creek residents are appalled by the current condition and by the Council's disregard for not forcing remedial action on buildings used for a festival not to be used again. These derelict structures indicate the care for the scenic environment that the current owners possess.

**The proposed subdivision does not therefore meet the Criteria C8.6.1**



Photos 1, 2 and 3: Derelict toilet structures and infrastructure on the Falls site



#### **Current and Future Land Use Assessment Report**

Mr JP Cummings report on current and future land use makes interesting reading but bears little resemblance to reality when it comes to farming practices. He is generally engaged in Geotechnical analysis and provides reports on geotechnical issues or suitability for buildings on a variety of soils.

In his report, he has not conducted any surveys with farmers who have been utilising the land at Bream Creek for generations and hence his conclusions and suggestions are only based on opinion rather than facts obtained from local farmers who have been utilising some of the land in question for some time.

However, his analysis of the potential carrying capacity of the land for grazing indicates that to subdivide the larger title into four smaller ones would diminish the potential to use this land for grazing considerably. He also points out that there is considerable competition from wildlife coming from the protected marshland and bushland areas. Any proposal to cull the wildlife would be met with severe opposition from the Parks and Wildlife Department and the local inhabitants of Bream Creek.

This therefore suggests that by subdividing this property, buyers would be forced to look for alternative land usage, which leads to all of the problems highlighted earlier in the report.

#### **Conclusions**

From a personal perspective, the application for a subdivision of the property at Bream Creek smacks of a grab for money by a pair of media companies who are happy to try to make as much money as possible without any care for the future of the land or the future of our community.

Their lack of care for the degradation of their abandoned, poor-class infrastructure and its resulting appearance in one of the most beautiful agricultural and coastal marine environments in the world indicates that they have no interest in doing what is best for the land.

For me this subdivision application is simply a back door attempt to thwart the current planning scheme by trying to develop large acreage and very high-priced house blocks, while pretending they are agricultural developments.

This sort of ploy is exactly what I feel our current planning scheme has been set up to stop; developers from interstate and overseas coming in to make money by dividing up farming land.

I would encourage the Sorell Council to soundly reject this subdivision application.



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SORELL PLANNING AUTHORITY (SPA) MEETING  
14 JANUARY 2025



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### SUBMIT A REPRESENTATION ON A PLANNING APPLICATION

*This form is to help you make a representation (objection) to an application. However, there is no requirement to use this particular form.*

Representor Details	
Your Name:	[REDACTED]
Your Postal Address:	[REDACTED]
Your Address (if different to the above)	[REDACTED]
Your Contact Details:	Phone... [REDACTED] .....Mobile:..... Email... [REDACTED]
Application Details	
Application Number:	7.2024.9.1
Application Address:	255 Marchwiell Road, Dream Creek.

What are your concerns with the proposal

We oppose any subdivision of this agricultural land. It needs to be retained as a single ownership land parcel to allow for a viable farming operation. To subdivide would open up the district to future development which would change the current lifestyle and farming focus of our small community. We consider ourselves very fortunate to live here amongst a perfect setting of farming, scenic coastline & pretty much undeveloped land. We want it kept this way.

*Important notes about the Representations against a planning application:*

- Supporting documentation, such as photos, plans, sketches etc (PDF only if submitting online) can be attached to this form;
- Please make sure you clearly understand what is proposed before you make a representation;
- Ensure we receive your representation by the due date and through one of the means specified in the public notice;
- We will inform all representors of the decision; and
- You, the applicant and any other representor can appeal against the decision.

Telephone: (03) 6269 0000 Fax: (03) 6269 0014 Email: sorell.council@sorell.tas.gov.au  
8:00am - 4:45pm Weekdays Web: www.sorell.tas.gov.au November 2022



General Manager  
Sorell Council

30/11/2024

255 Marchwiell Road Bream Creek

Four lot subdivision  
SA 2024/9-1

Dear Sir,

██████████ would like to make a representation to object to the proposal on the following grounds:

- 1) The application is incomplete in that it inadequately addresses natural values in accordance with its obligations to do so under Clause 6.1.3 (b) (vi) considering:
  - a) A significant portion of the site is zoned Environmental Management.
  - b) A significant portion of the site supports conservation covenants C625725 and C353039.

The application should have included a natural values assessment that conformed with the *Guidelines For Natural Values Surveys - Terrestrial Development Proposals*. Although the subdivision in itself does not equate to a development its enactment facilitates an expectation of development as presented by the identification of identified accesses and building envelopes included in the application.

- 2) The Environmental Management Zone Lot design (23.5.1) P1 (c) is not addressed and the retention of vegetation and protection of values is at risk from the subdivision.

Exemption 4.4.1 h allows for the clearance of 1.5 m of a lot boundary. The boundary of Lot 1 and 2 is within saltmarsh vegetation. The subdivision would, as a consequence, result in an exemption that would conflict with the intent of clause 23.5.1 (c). This is also in conflict with the conservation covenant C625725 Clause 4 (i) clearance of native vegetation and C252039 4.1 (b) clearing of indigenous vegetation.

- 3) The provisions of the Natural Assets Code (C 7 P1) are not met.
  - a) C 7.7.1 P1 (b). Future development likely to be facilitated by the development is likely to include internal roads and fences. Internal access of Lot 2 will have consequent impacts on natural values within the waterway and coastal protection area. Exemption 4.4.1 (h) permits clearance of up to 3 m in the Agriculture Zone. Subdivision will result in this exemption becoming applicable through covenanted forest and as such will not "minimise adverse impacts on natural assets".

██████████ submit that the application is incomplete and as presented does not meet the necessary performance criteria of the Tasmanian Planning Scheme and so should be rejected.

██████████



## AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING  
14 JANUARY 2025

**From:** [REDACTED]  
**To:** [Sorell Council](#)  
**Subject:** Objection to Subdivision Proposal  
**Date:** Sunday, 1 December 2024 2:06:12 PM

---

I would like to record my objection to the subdivision proposal  
SA 2024/9-1  
Regards, [REDACTED]



**Re: Notice of Proposed Development**  
 255 Marchwiel Road, Bream Creek: Four Lot Subdivision  
 MC Planners Obo Secret Sounds Group Pty Ltd  
 SA 2024 /9 - 1 14 November 2024

General Manager, Sorell Council  
 By email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

### Objection to proposed development

Dear General Manager

I write to provide you with my objections to the proposed development. The grounds for my objection are as follows:

#### 1. State and Federally-listed Threatened Species and Communities

There is a complete absence of any mention of Threatened Species listed under the Tasmanian Threatened Species Protection Act and the Federal Environment Protection and Biodiversity Conservation Act. Indeed, the word, "Threatened" does not appear in the DA at all – not once.

Clearly, the proponent believes that agricultural land does not provide habitat for threatened plants or animals – a situation that does not reflect reality. This is a critical failing in the DA, and on the basis of this issue alone, the proposed subdivision must be rejected.

The DA fails to provide any assessment of threatened species and other values present on site. Typically, a 5km buffer is used when an EPBC Protected Matters Search Tool Report is generated. This is a simple and rapid undertaking and takes less than 5 minutes to generate (see <https://www.dcceew.gov.au/environment/epbc/protected-matters-search-tool>).

There is no reference to the EPBC-listed Threatened Saltmarsh Community (<https://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=118>) that is present in close proximity to the proposed development. Similarly, there is no mention to the EPBC-listed Threatened Low-land Grass Community (<https://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=74>).

Had the proponent undertaken such a search, a high number of listed Threatened Species, including some Critically Endangered Species, would have been identified (see attached PMST report, generated on 27 November 2024) – such as Wedge-tailed Eagle (EPBC *Endangered*), Swift Parrot (EPBC *Critically Endangered*) and Masked Owl (Tasmanian TSPA *Endangered*). The adjacent Wielangta Forest supports breeding populations of all of these bird species.

All of these values must be considered in light of the proposed subdivision. The establishment of fencing, additional roads and tracks etc for access will increase pressure on threatened species and fragment threatened vegetation communities.

The construction of fencing will increase the risk to a range of woodland bird species arising from collision. In particular, the Critically Endangered Swift Parrot (known to occur in the Wielangta Forest is well known to be highly susceptible to colliding with fencing and other structures (see Pfennigwerth 2008: [https://assets.wwf.org.au/image/upload/v1689811506/file\\_minimising-swift-parrot-collision-threat-1apr08.pdf](https://assets.wwf.org.au/image/upload/v1689811506/file_minimising-swift-parrot-collision-threat-1apr08.pdf)).

The recommendations in the 2008 report regarding minimising collision risk are particularly relevant for the proposal with respect to Swift Parrots, but also to the broader range of woodland birds present. This is a critical failing in the DA.

I look forward to Council's assessment.  
 Kind regards

[Redacted signature]

[Redacted contact information]



## AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING  
 14 JANUARY 2025







PO Box 126 Telephone 03 6269 0000  
 47 Cole Street Fax 03 6269 0014  
 SORELL TAS 7172 sorell.council@sorell.tas.gov.au  
 ABN 12 690 767 695 www.sorell.tas.gov.au

## SUBMIT A REPRESENTATION ON A PLANNING APPLICATION

*This form is to help you make a representation (objection) to an application. However, there is no requirement to use this particular form.*

Representor Details	
Your Name:	
Your Postal Address:	
Your Address (if different to the above)	
Your Contact Details:	Phone.....Mobile:..... Email.....
Application Details	
Application Number:	7.2024.9.1
Application Address:	4 lot subdivision - 255 Marchwiell Road
What are your concerns with the proposal	
<p>I am opposed to the subdivision of 255 Marchwiell Road into 4 lots.</p> <p>In the Planning Report, where the subdivision is assessed against the agricultural zoning, the report states there are no proposed buildings or new dwellings, and yet each lot has a building envelope (excluding lot 2 with the existing house). Purchasers will most likely construct residential dwellings on lots 1, 3 and 4 and the application fails to address this in line with the planning scheme.</p> <p>The Planning Report states the proposed subdivision allows for more manageable lots with better capability for agricultural uses citing the Land Capability Study. The Land Capability Study, however, does not illustrate how subdivision contributes to better capability for agricultural use, rather it states the agricultural potential of the property is limited, being predominantly Class 5 and 6 land suitable for grazing, which it is currently utilised for, with moderate to high limitations. Based on this expert report, I fail to see how subdividing 255 Marchwiell Road will result in better agricultural capability.</p>	

*Important notes about the Representations against a planning application:*

- Supporting documentation, such as photos, plans, sketches etc (PDF only if submitting online) can be attached to this form;
- Please make sure you clearly understand what is proposed before you make a representation;
- Ensure we receive your representation by the due date and through one of the means specified in the public notice;
- We will inform all representors of the decision; and
- You, the applicant and any other representor can appeal against the decision.



Mr Robert Higgins,  
 General Manager,  
 Sorell Council

1-12-2024

Dear Robert,

We wish to submit a representation concerning the proposed development of the Falls Festival Site (225 Marchwiell Road Bream Creek) .

Having been a sustainable agricultural business in the community for 70 years and having leased the proposed subdivision land for 20 years, in our experience there is no way that 4 smaller landholdings, without water entitlement, could be in any way classed as a sustainable agricultural businesses, warranting a residence being built on any of the 4 blocks, which would clearly be the intention of the developer in future years. After observing and leasing this land, it would be difficult to sustain an agricultural business on the land as a whole , let alone as 4 individual blocks. We run some cattle at the proposed blocks, but are only able to do this successfully by supplying supplementary feed to the cattle, because of poor soil quality at the proposed site.

Being a neighbouring property, we were very interested in purchasing the Falls Festival land as a whole, and if it had been available at an agricultural price, we would have pursued it. We employ 20 people and have local contractors who are dependent on our business. Now that the proposal is to subdivide, presumably at residential prices, these blocks will more than likely be sold as lifestyle

blocks, blocks being sold for double the agricultural value. This type of sale makes it difficult for us & other local farmers, to expand our business and continue employment growth. We spent a lot of time & resources on understanding the new planning laws that created agricultural zoning, laws which in turn devalued much of our agricultural land. Given that the new planning was meant to protect agricultural businesses and keep them sustainable, we feel subdividing this block of land would make a mockery of the state planning scheme.

To our knowledge , there are people who are making a business from finding loopholes in the planning scheme , and succeeding in proposing falsely sustainable agricultural businesses, which in turn let the owner build a residence on the land. It is regularly discussed in the Tasmanian agricultural business world that when people succeed in 'proving' that their new land will be used for sustainable agriculture, that there is little or no follow up to ensure they have done this. Lifestyle 'farmers' often tend to disrupt commercially run agricultural businesses, through their lack of understanding of living in a rural community & are often critical of existing & surrounding farming businesses ( for e.g. early morning machinery & animal movement). This makes rural practice even more challenging & is a common concern for Bream Creek & local agriculturalists.

It is also most concerning that the scenic overlay could be potentially damaged by a potential buyer being allowed to build a tasteless and out of place 'castle' because he is running a few goats or alpacas. It is also of concern that extra residents would overload already strained council infrastructure , with the additional concern of road safety issues where Marchwiell Road meets Burnt Hill Road ( the Give Way is regularly ignored).

As a neighbouring owner of water rights, we are wholly dependent on the water source 'Bobbatinka Dam' for the success of our business and are not in the position to sell or negotiate any water supply for the proposed blocks, as is insinuated in the proposal.

It is also mentioned in the proposal that Cape Bernier Vineyard and Bream Creek Vineyard are both flourishing agricultural businesses. It is important to note that both these properties have reliable water supply, unlike the proposed site.


Yours sincerely,

[Redacted signature]



## AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING  
 14 JANUARY 2025



1 December 2024

Robert Higgins  
General Manager  
Sorell Council

**Development Application - Subdivision of the Falls Festival Site  
at Marion Bay  
(Application number SA 2024/9-1)**

Dear Sir/Madam,

We are writing to make a representation **in opposition to**  
a four-lot subdivision of the above land.

The land contains a healthy functioning saltmarsh wetland stretching  
across each of these sites, with covenanted areas.

The saltmarsh is significant especially in these times of Global  
Warming and as a buffer for coastal flooding and anticipated sea  
level rise.

As part of Marchweil, this is a functioning ecosystem that had been  
degraded by use for agricultural purposes, notably grazing.  
In more recent years its value has been widely recognised and  
sections covenanted through 'Land for Conservation'.

As a healthy functioning wetland of significance and known to  
support not only bird life but valuable plant, insect and animal  
species including frogs and reptiles along with numerous fish  
species.

For the past 15 years it has been the subject of numerous studies by  
the University of Tasmania under the leadership of Dr Vishnu  
Pralhad.

Vishnu has and continues to supervise PhD studies across this site.

MBC the local Coast care group has an ongoing weed management  
program to ensure the marsh and surrounding land remains in as

natural a condition as possible and are regularly involved in monitoring bird species on the marsh.

### **Value of Wetlands in the World**

**Biodiversity** saltmarsh wetlands are the equivalent of mangroves around our coastlines and act as estuarine fish nurseries.

**Filtration of water** from agricultural land that flows into Blackman Bay providing habitat for the thriving shellfish industry the area is known for.

**Please read the following as one such report by our local UTAS PhD students and staff.**

<https://link.springer.com/article/10.1007/s12237-024-01340-z>

**Carbon Sequestration** drawing down carbon from the atmosphere, capturing this global warming gas 40 times faster than rainforests.

**Bird Habitat** this large healthy saltmarsh wetland is a known feeding ground for not only three Raptor species, many Ducks, Swift Parrots and migratory bird species some flying in from the Arctic Circle. The Bar-tailed Godwit is just one such bird.

**It is also the Sorell Council logo!**

As ratepayers and keen bird watchers of this Municipality who live overlooking part of the Saltmarsh we know we are only two of the many locals who value it and will work to preserve it. We ask that you please consider voting against this Application.

I will add we bought our Bream Creek property 21years ago in large part due to the proximity and diversity of bird species this incredible saltmarsh wetland supports.

██████, regularly take bird watching visitors from Tasmania, mainland Australia and overseas to walk this area and all marvel at the species and diversity the Saltmarsh supports. Areas such as this are becoming more precious than ever in the World.

We believe there is a demonstrated and growing willingness by many in the area and beyond to value, care for and protect such areas and sincerely encourage our Council to do the same.

It needs to be seen as a local and international asset and given the protection it deserves now!

It also has immense values in terms of recreational and tourism interests which I have only touched on here.

Thanking you for the opportunity to provide feedback and this objection.

Regards



## **AGENDA**

SORELL PLANNING AUTHORITY (SPA) MEETING  
14 JANUARY 2025

The General Manager

Sorell Council

**7.2024.9.1 Subdivision Application -255 Marchweil Road Bream Creek**

2 December 2024

We write to express our concerns in relation to the above-mentioned proposal.

1. The land is currently zoned Agricultural and Environment Management. We believe that it is important to maintain the current size and zoning of this block of land.

The zoning reflects the fact that it is located in an area that is primarily used for agricultural purposes. It was part of a historically significant farm, in a historically significant farming region.

The current owner's subdivision proposal is an attempt to break this parcel of land into four smaller lots. After the first break in a big rock, the smaller pieces are more easily crushed into gravel.

If approval is granted for this subdivision, it will only be a matter of time before the next round of proposals, with equally impressive consultants reports. The next round will be seeking approval for even smaller lots of land.

This parcel of land was recently on the market for an unrealistic price, and it failed to sell. This is not surprising because the owners are out of touch with the value of agricultural land. The owners are testing council. By stealth, they want the land available for, and valued as, residential and recreational land.

2. The current Agricultural zoning and block size makes it an ideal size for acquisition by neighbouring farms that are actively farming. It is traditional for farms to expand and contract through the generations as they prosper or decline in productivity. If this land is broken up into smaller lots, it will no longer be available to farmers who are invested through generations of diligent endeavour. It is unfortunate that the land has fallen into the hands of an international company that has no interest in agricultural pursuits. It seems their only interest is to profit, regardless of the impact on a community that wants this area to remain an agricultural area of scenic beauty.
3. Bream Creek and Marion Bay are amongst the most beautiful and precious places in Australia. Hence the Scenic protection Code. Changes that occur with land use are going to have a significant impact on current and future agricultural operations within this area. The current owners have little, if any, regard for the scenic value of the area, and no interest in what the future holds. They have demonstrated this by the fact that they have not cleaned up the absolute mess they left behind when they discontinued the music festival.
4. The subdivision proposal is a money-making exercise to the detriment of a stable and concerned community. With respect, we humbly request that council listens carefully and responds appropriately to the rate payers who have been here for the long haul. We value this place as a cultural icon and will be displeased if approval for a sub division is granted.

We request of council, to assess this application against the appropriate standards in the relevant acts and reject this subdivision proposal.

Please uphold the intrinsic intent of agricultural zoning, otherwise before we know it, we will have macmansions, sealed roads and traffic lights, completely out of character with the area.

Yours sincerely



**AGENDA**

SORELL PLANNING AUTHORITY (SPA) MEETING

14 JANUARY 2025

**From:** [Redacted]  
**To:** [Sorell Council](#)  
**Subject:** Attn Robert Higgins, General Manager  
**Date:** Monday, 2 December 2024 8:06:21 PM

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[Redacted]  
[Redacted]  
[Redacted]

2 December 2024a

Robert Higgins  
General Manager  
Sorell Council

**Development Application - Subdivision of the Falls Festival Site at Marion Bay  
(Application number SA 2024/9-1)**

Dear Sir/Madam,

We are writing to make a representation **in opposition to** a four-lot subdivision of the above land.

The land comprises one of the most significant of Tasmania’s saltmarsh wetlands, spanning all four of these sites. It includes covenanted areas.

It is globally known that saltmarshes are some of the most significant areas of land for protection against inundation in a future of rising temperatures and rising sea-levels.

The Marion Bay saltmarsh has been found to host higher densities of fish than any other saltmarsh in the country" – for reference see:

<https://link.springer.com/article/10.1007/s12237-024-01340-z>

I have already raised the matter of nutrient contamination of the marsh by irrigation run-off to council members who came to look at the problem and meet with members of Marion Bay Coast Care.

The Marion Bay saltmarsh has been widely recognised for its significance and documented in science journals.

In more recent years its value has been widely recognised and sections covenanted through ‘Land for Conservation’.

As a healthy functioning wetland of significance and known to support not only bird life but valuable plant, insect and animal species including frogs and reptiles along with numerous fish species.

For the past 15 years it has been the subject of numerous studies by the University of Tasmania under the leadership of Dr Vishnu Prahalad and Dr Violet Harrison-Day.

Vishnu has and continues to supervise PhD studies across this site.

MBC the local Coast care group has an ongoing weed management program to ensure the marsh and surrounding land remains in as natural a condition as possible



and are regularly involved in monitoring bird species on the marsh.

**Value of Wetlands in the World**

**Fish Population** *Marion Bay saltmarsh has been found to host higher densities of fish than any other saltmarsh in the country.*

*Biodiversity saltmarsh wetlands are the equivalent of mangroves around our coastlines and act as estuarine fish nurseries.*

*Filtration of water from agricultural land that flows into Blackman Bay providing habitat for the thriving shellfish industry the area is known for.*

*Carbon Sequestration* drawing down carbon from the atmosphere, capturing this global warming gas 40 times faster than rainforests.

As a regular visitor to Bream Creek and then as a landholder for 36 years, our relationship with the saltmarsh and concern for its ongoing health is longstanding.

We ask that you please consider voting against this Application and caring for this most precious global asset.

It is our hope that none day in the future Sorrel Council will support a move to have the Marion Bay saltmarsh Ramsar accredited.

We thank you for the opportunity to provide feedback and this objection.

Regards

[Redacted signature]



**From:** [REDACTED]  
**To:** [Sorell Council](#)  
**Subject:** Subdivision Application 7.2024.9.1  
**Date:** Tuesday, 3 December 2024 12:07:27 AM

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Attention: General Manager, Sorell Council

Re: Subdivision Application 7.2024.9.1 – 255 Marchwiell Road, Bream Creek

I write to provide a submission against the advertised four-lot subdivision above as it neglects to include a Natural Values Assessment that addresses the potential impact on the land contained within the Environmental Management Zone either within or immediately adjacent to the subdivision. This land has very significant value to many species of flora and fauna, some of which are threatened and indeed endangered.

Yours Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]





**Subdivision Application 7.2024.9.1 – 255 Marchwiel Road, Bream Creek**

Attention: General Manager, Sorell Council

Dear Sir,

I write to provide a submission against the advertised four-lot subdivision above, as it neglects to include a very necessary Natural Values Assessment that addresses the potential impact of any future development on the land contained within the Environmental Management Zone, which is either within or immediately adjacent to blocks within the subdivision.

Components of this land have very significant value to many species of flora and fauna and is of national importance. I am led to believe that some of the species that are contained within, or indeed utilise this site are threatened and, in some cases, critically endangered.

To understand the full extent of the value of the wetland, an independent Natural Values Assessment, as mentioned above, should have been provided by the proponent. It would have enabled a full analysis of the impact that disturbance of the area would create, through the inevitable fragmented management that a subdivision would deliver. Under the care of different owners of the blocks within the subdivision, it would be most unlikely that a consistent management framework would ever be realised in order to fully protect the area.

As such, it is very obvious a subdivision will degrade this very important functioning ecosystem, which at present remains very much intact and is highly valued as a natural asset. This is evidenced by the foresight of the previous owners, the Dunbabin Family, whom I believe installed two covenants to protect the intrinsic values of the wetland, such is its significance.

I am also informed the area has also been studied over a significant period of time by various University of Tasmania researchers and doctorate students, which also underscores the worth of the area as natural habitat.

Another aspect to consider is the location of the wetland on the border of agricultural land which has been farmed since the latter part of the 19<sup>th</sup> Century. The wetland quite obviously acts as a very significant barrier to the transportation of harmful nutrients into the marine environment of Blackman Bay – the nutrients quite naturally being the run-off from the application of fertilisers to improve pasture for livestock over the many years that Marchwiel has been in existence as an agricultural property. It also acts as habitat for migratory birds. Habitats for migratory bird species across Australia, such as the wetland at Marchwiel provides, are being slowly diminished through the development of coastal land. Such development results in a 'death by a thousand cuts' scenario to that important habitat.

Given the tidal nature of the area, I am informed the wetland also acts as a fish nursery. Having fished in Blackman Bay for flounder, salmon and flathead since the mid 1950s, I can attest to the abundance of much smaller species of fish that inhabit the area, in and through

the abundant seagrass beds, and can certainly understand the important part the wetland is likely to play in that abundance.

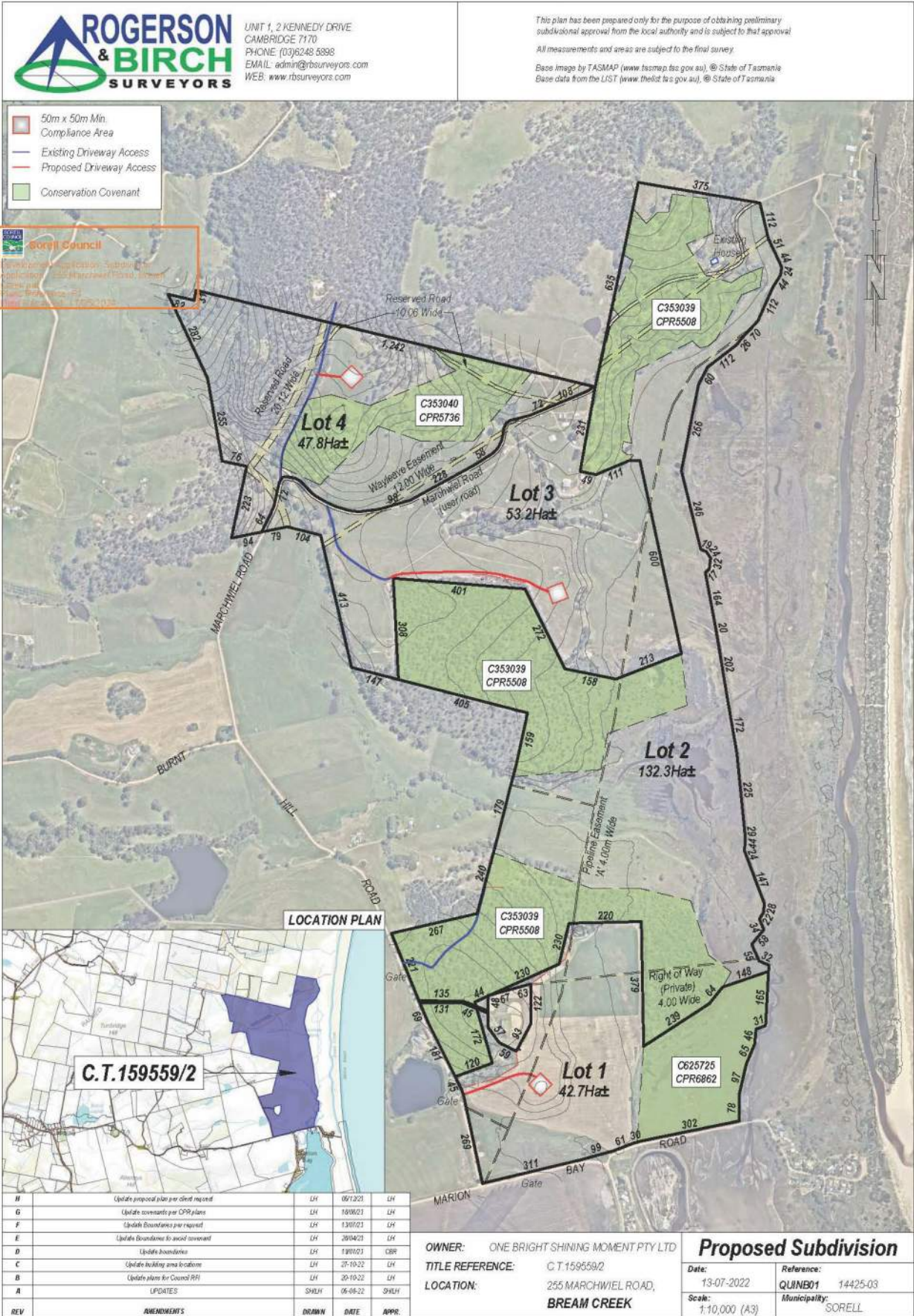
In closing, I sincerely ask the Council to fully consider and appreciate the value of this most important wetland - not only to the local area of Marion Bay, but its value in a national and global context – and pose the question, if action is not taken now, then when?

Councils are stewards of our important natural environments, such as this wetland. It is principally in Council’s hands to control the developments that should or shouldn’t occur within its area of jurisdiction. Time is running out, and there is no global ‘factory’ producing such habitats to replace those lost. Please stand up for the significance of our wetlands by not allowing this subdivision to proceed.

Yours Sincerely,

[Redacted signature block]





**AGENDA**  
 SORELL PLANNING AUTHORITY (SPA) MEETING  
 14 JANUARY 2025