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Sent: Mon, 18 Sep 2023 16:02:21 +1000
To: "Latrobe Council" <council@latrobe.tas.gov.au>
Subject: Written Submission - Jones - Latrobe Local Provisions Schedule
Attachments: Representation - Latrobe Council.pdf

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Dear Sir/Madam

Please find attached written representation.

Kind Regards,

Justin Castles, Solicitor

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Our Ref:

Your Ref:

Enquiries: Justin Castles

18 September 2023

Latrobe Council
PO Box 63
LATROBE TAS 7307

Dear Sir/Madam,

Re: **LATROBE LOCAL PROVISIONS SCHEDULE – REPRESENTATION: ZONING OF COTTON STREET (CT 33474/2) & (General Law Deed 54/2104) and HAMILTON STREET (CT 146040/1)**

We act for Stephen John Jones, registered owner of property at Cotton Street, Latrobe, comprised in General Law Deed 54/2104 and Hamilton Street, folio of the Register 146040/1, and we act for the Estate of Thomas Anderson Jones in relation to property at Cotton Street, folio of the Register 33474/2 ("the Land").

It is noted that as part of the proposed amendment to the Latrobe Local Provisions Schedule ("LPS"), Council intends to apply the Agriculture Zone to our client's Land. We submit that the application of the Agriculture Zone to the Land is inconsistent with Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

Constraints to Agricultural Use

The Land is currently zoned Rural. The adjacent land to the east is zoned General Residential. The Land Potentially Suitable for Agriculture Zone layer published on the LIST, created using the methodology outlined in the Agriculture Land Mapping Project, identifies the land as potentially constrained. In respect to folio of the Register 146040/1 and General Law Deed 54/2104 the land is criteria 3 and in respect to folio of the Register 33474/2, criteria 2A.

Folio of the register 33474/2

The land is not being used for grazing and to our client's knowledge has never been used for grazing. The land has previously been used for the purpose of a private equine training facility, but the topographical features, elongated shape and surface of the land make it incompatible with grazing pursuits, crop production, or keeping of livestock. The size and nature of the land, combined with its proximity to residential areas makes it unsuitable for any type of agricultural enterprise.

The land is not in common ownership with any adjoining property, negating the possibility of expansion to enhance its suitability for agricultural use.

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According to the LIST, Land Capability is assessed as class 5, meaning that the land is unsuited to cropping with slight to moderate limitations to pastoral use.

Permitted uses existing under the Rural Zone are compatible with the surrounding residential area.

General Law Deed 54/2104

The land borders a developing residential area to the east, and given the proximity to the residential area, any agricultural pursuit may conflict with the purpose and expected use of the closely neighbouring General Residential Zone.

The land has been used for grazing of a very limited nature, however the size of the land and lack of irrigation access restricts its ability to permanently support any viable quota of grazing livestock at any one time without intensive supplementary feed management.

The land is not in common ownership with any adjoining property, negating the possibility of expansion to enhance its suitability for agricultural use.

According to the LIST, Land Capability is assessed as class 5, meaning that the land is unsuited to cropping with slight to moderate limitations to pastoral use.

Permitted uses existing under the Rural Zone are compatible with the surrounding residential area.

Folio of the register 146040/1

Agricultural use is limited due to the size of the land and given the proximity to the residential area, any agricultural pursuit may conflict with the purpose and expected use of the closely neighbouring General Residential Zone to the east and south of the land.

The land has been used for grazing of a very limited nature, however the size of the land and lack of irrigation access restricts its ability to permanently support any viable quota of grazing livestock at any one time without intensive supplementary feed management.

The land is not in common ownership with any adjoining property, negating the possibility of expansion to enhance its suitability for agricultural use.

According to the LIST, Land Capability is assessed as class 5, meaning that the land is unsuited to cropping with slight to moderate limitations to pastoral use.

Permitted uses existing under the Rural Zone are compatible with the surrounding residential area.

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Guideline No. 1

Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:

- (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;
- (b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;
- (c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;
- (d) for the identification, provision or protection of strategically important uses that require an alternate zone; or
- (e) it can be demonstrated that:
 - (i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;
 - (ii) there are significant constraints to agricultural use occurring on the land; or
 - (iii) the Agriculture Zone is otherwise not appropriate for the land.

In accordance with AZ 6(e), the Land has restricted agricultural use, due to its size, location and topography. There is little to no potential for the Land to form part of a larger holding and there are constraints to agricultural use.

The Land is not capable of supporting productive agricultural use, it is subject to restraints, lack of quality irrigation, and significant capital investment would be required to transform the Land so as to establish a commercially productive operation. Given the proximity to the neighbouring General Residential Zone, the Land is more suited to its existing zoning.

Conclusion

Applying the Agriculture Zone will significantly burden the current and future owners of the Land, given its practical lack of potential for agricultural use, and it will stifle any opportunity for suitable development. The submission is that in the circumstances the Agriculture Zone is not appropriate, and the Land is more suited to its current Zoning, Rural Zone.

If you require further supporting evidence prior to making any formal decision, we respectfully request that you afford our clients with the further time and opportunity to provide you with an Agricultural Assessment and Rezoning Report.

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We look forward to discussing this representation further with Council.

Yours faithfully,

O'ROURKE & KELLY

Per:



J.R. CASTLES

Direct email: justin@ourourekelly.com.au

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