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**From:** john@jdaPlanning.com  
**Sent:** Thursday, 19 January 2023 3:53 PM  
**To:** TPC Enquiry  
**Cc:** 'Andrew Wyllie'  
**Subject:** RE: Latrobe Draft Local Provisions Schedule (LPS) - Post Hearing Notice of Directions and Submissions 06.01.2023 - Ref Andrew Wyllie (Rep 28) - Response Spilt Zone 260 Appleby Rd.pdf; Response TPC RFI 19.01.2023 - Andrew Wyllie.pdf  
**Attachments:**

**Categories:**

Tasmanian Planning Commission  
Attention: Samuel McCrossen

Dear Samuel

I provide the attached in response to the above request dated 06 January, 2023. If you require further information please contact me.

Regards,

John Ayers  
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information, please contact me.

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**From:** TPC Enquiry <tpc@planning.tas.gov.au>  
**Sent:** Friday, 6 January 2023 9:31 AM  
**Subject:** Latrobe Draft Local Provisions Schedule (LPS)

Dear Representor,

On behalf the Tasmanian Planning Commission, please find attached correspondence from the Chair, Roger Howlett in relation to the Latrobe draft LPS.

Kind regards,

**TASMANIAN PLANNING COMMISSION**

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**19 January 2023**

TPC Ref: Doc/23/231

Tasmanian Planning Commission

[tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Attention: Samuel McCrossen

Dear Samuel

**LATROBE DRAFT LOCAL PROVISIONS SCHEDULE (LPS) - DIRECTIONS SCHEDULE:  
ANDREW WYLLIE (Rep 28) RFI - 260 Appleby Road, Thirlstane FR 160847/1 - Split zone Rural  
and Agriculture**

I refer to the Commissions request for further information 6 January 2023, and provide a map prepared by Dr Lee Peterson (attachment) which delineates the relative boundary of a split zoning defining the application of the Rural and Agriculture Zones referred to in the submission prepared by *Nicholbrook Horticultural Consulting* dated September 2021.

Also following is a summary of evidence provided to the Commission at its hearing of the 14 December 2022 which concerns the issue of zoning proposed by the *Draft LPS* for the property and has particular relevance in the consideration of the introduction of split zoning - Rural and Agriculture. Please note that this response has been discussed and agreed with the author of the agricultural report prepared by *Nicholbrook Horticultural Consulting*.

**Presentation summary response to section 35F Report - (classification) argument**

**1. Proposed Zone Classification Subject Property: Agriculture**

- 1.1 The site and soils classification has been reviewed by *Nicholbrook Horticultural Consulting* determining a range of land class between class 4s-7. There is no Prime Agricultural Land within the boundaries of the site.
- 1.2 Significant constraints have been identified including poor drainage and a lack of quality depth soils impacting the site capability in terms of agricultural use.
- 1.3 The identified constraints suggest that the most appropriate zone for the property in terms of agricultural use is considered to be Rural.
- 1.4 The *Agricultural Land Mapping* project completed at a scale of 1:100,000 appears to have applied a blanket Agricultural zone through the region excluding those areas zoned for residential use and this has been applied to the LPS. The project identified land potentially suitable for the Agricultural Zone (Unconstrained).
- 1.5 In contrast the detailed analysis undertaken by *Nicholbrook Horticultural Consulting* clearly suggests that the more appropriate classification is Rural *if not for a rural living use*.

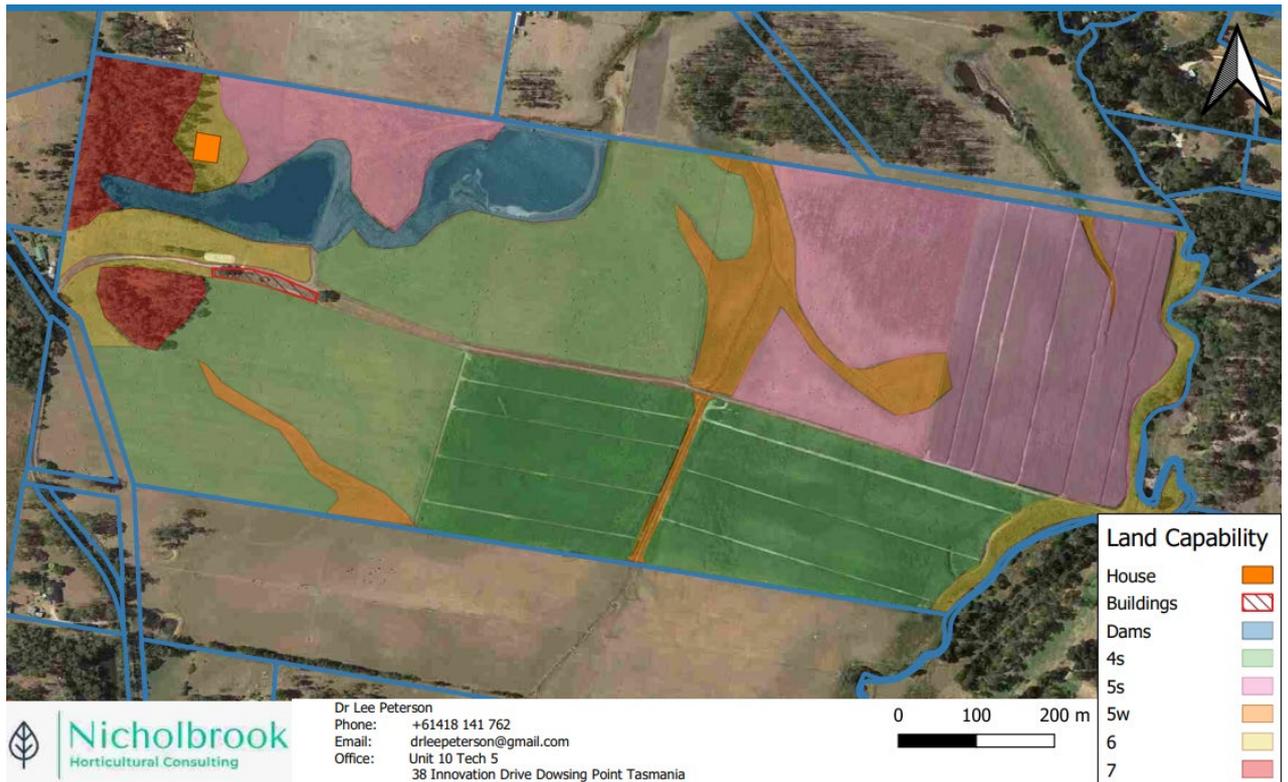


Figure 1 Extract Agricultural Report Nicholbrook Horticultural Consulting p.12

- 1.6 The *Agricultural Land Mapping* project recognises the distinction with land class and that land which is unconstrained is suitably zoned Agriculture. The specific agricultural analysis undertaken for this property identifies significant constraints leading to the conclusion that the most appropriate classification for agricultural use is Rural.
- 1.7 The Council's *section 35F* report appears to conclude *inter alia*, that because of its land area, the Agriculture Zone is most appropriately applied and absent detailed analysis that there should be no departure from the conclusions of the *Agricultural Land Mapping* project. It is submitted that this is erroneous in the light of the report prepared by *Nicholbrook Horticultural Consulting*.
- 1.8 The further specific site agricultural analysis demonstrates that the land is not potentially unconstrained, but is in fact constrained.
- 1.9 Local (specific site) analysis has provided, identified and it is submitted justifies the need for an alternate classification (which is not inconsistent with the regional land use strategy - which predates the *Agricultural Land Mapping* project).
- 1.10 It is submitted that drawing upon the criteria identified by the *Agricultural Land Mapping* project applying *principle 6(e)* in determining application of the Agriculture Zone to the subject property it has been demonstrated: -
- (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;
  - (iii) the Agriculture Zone is otherwise not appropriate for the land.

- 1.11 Notwithstanding that the Significant Agriculture Zone was not applied as part of the *Regional Land Use Strategy*, it is submitted that given a lack of evidence to the contrary - such as that provided by *Nicholbrook Horticultural Consulting* that the introduction of the Agricultural Zone to this property cannot be justified.
- 1.12 Why is there a need to consider the broader agricultural landscape, the assessment should most properly be based upon the qualities, constraints and attributes or otherwise of the subject property, and whilst the adjoining properties are zoned for rural use, many contain existing houses unrelated to a rural use.
- 1.13 The Rural Zone allows the continuation of the present agricultural use. It does not constrain nor encourage alternate use which might prejudice the continuation of that use. It does on the other hand recognise the inherent constraints which have been identified, which ultimately dictate the level of use and capacity of the land for agricultural yield.
- 1.14 The LPS is the opportunity to apply a finer grain analysis based upon individual site analysis such as prepared for the subject site and it is submitted is foreseen by the principles enunciated by the *Agricultural Land Mapping* project.

## **2. Application Rural Living Zone Band/s Option A-D**

The alternative proposition is that given the obvious constraints impacting the subject property including the cluster of residential development/use established on adjoining and surrounding property, that legitimately consideration be given the introduction of a Rural Living classification, and whilst this did not form a part of the original submission to the Draft LPS, it is a factor which impacts the property both now and into the future. Notably, the extent of that proximate residential development bears upon future zone classification as it might be appropriately applied.

- 2.1 The Rural Living Zone (RL Zone) provides for compatible agricultural use and development that does not adversely impact upon residential amenity.
- 2.2 The RL Zone D for example provides for densities of 10ha (*A-1ha; B-2ha; C-5ha*)
- 2.3 Residential development has occurred proximate the subject site as shown below at Figure 2. Arguably given the constraints impacting the subject site, it could be determined that the highest and best use would be the introduction of the RL Zone D, which would enable the higher quality part of the land to be used for an agricultural purpose, as a part of the strategy to allow the introduction of the larger lots i.e., RL Zone D.

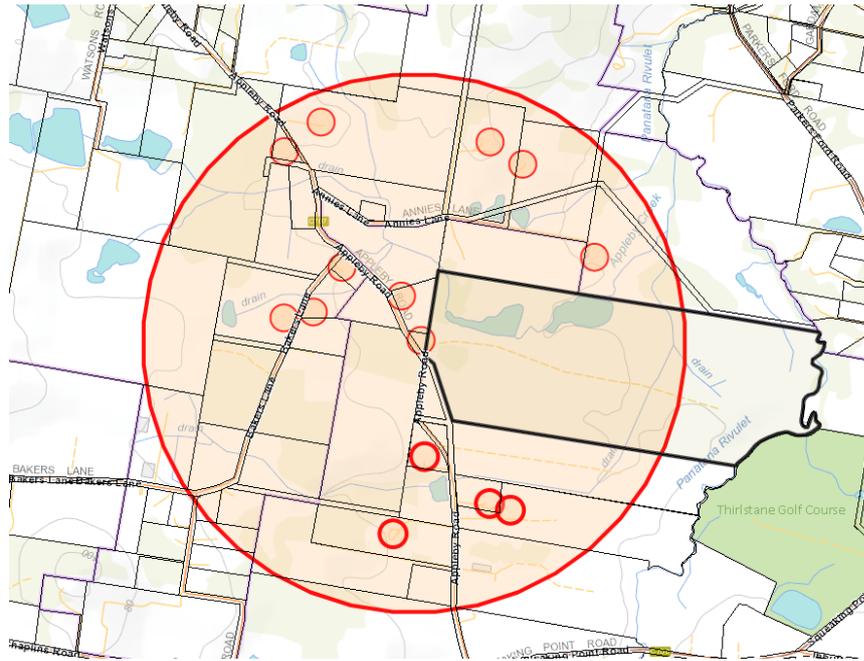


Figure 2 - Residential development - red highlight

- 2.4 The subject site is surrounded by separate land holdings few of which are ‘farmed’ but many of which are rural residential in nature and unlikely to enable efficient land consolidation to achieve agricultural use at a broader and more intense scale.
- 2.5 It is noted that the *s35F report* refers to a more local strategic demand analysis of Rural Living availability/suitability, and that it may be that the Commission determines that the rezoning of land for the purpose of rural living should await the findings of this strategic analysis. But notwithstanding the outcome, it remains the case that the subject site sits among an agglomeration of residential development on rural land which it is submitted will ultimately dictate the future viability of these individual titles such as the subject land.

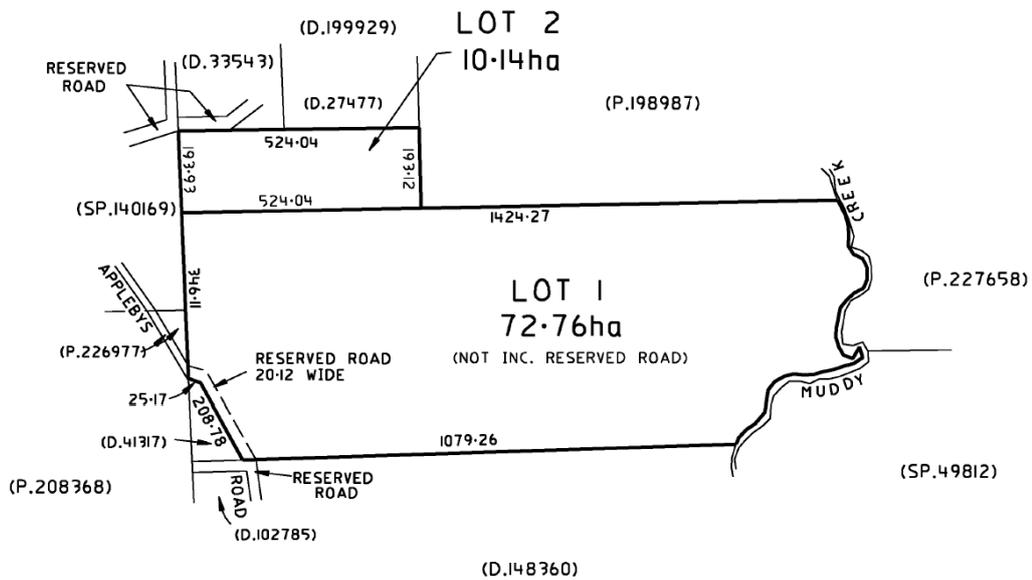


Figure 3 Title extract 260 Appleby Road

2.6 Zoning proximate the site demonstrates the incursion of residential development over time, a trend which continues and is reinforced by recommendations of the LPS.

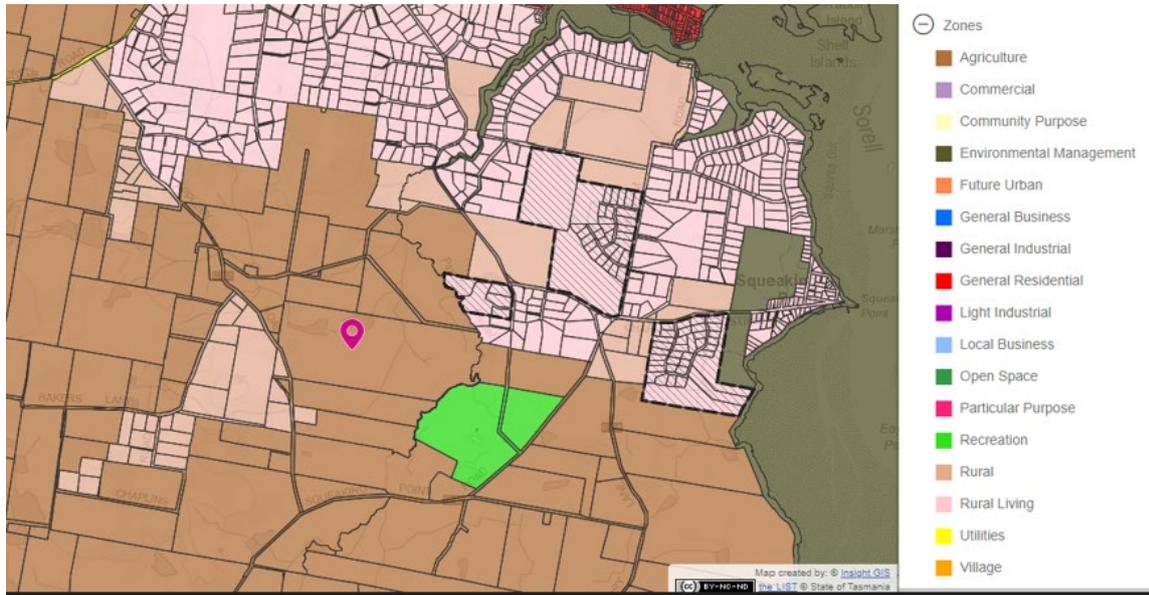


Figure 4 Extract Draft LPS mapping - recommended zone application 260 Appleby Road marked

2.7 The LPS recommendations are for the introduction of the Rural Living Zone (Class D) to a number of areas which identify with the characteristics bearing a similarity to that identified as impacting the subject property - i.e., Squeaking Point Road.

**3. Split Zoning Rural/Agriculture Zones- Supplementary Observation and Submission**

3.1 The introduction of the Agriculture Zone to the subject property is counter intuitive to the findings and conclusions enunciated in the agricultural report and analysis by *Nicholbrook Horticultural Consulting*.

3.2 The application of the principles outlined within the *Agricultural Land Mapping* project, and the results of the finer grain analysis undertaken by *Nicholbrook Horticultural Consulting* suggests that in determining the agricultural value of the site, the property is most appropriately classified Rural.

Regards,

John Ayers  
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# Proposed are for split zoned as Agriculture



**Legend**  
CadastralParcels-OwnerInformation  
Split Zone Agriculture 

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