

14th February 2020

Contract Planner
Glamorgan Spring Bay Council

By email: contract.planner@freycinet.tas.gov.au

Dear Contract Planner,

Draft Local Provisions Schedule – Zoning of CT 251825/1 – Hermitage Road, Boltons Beach

We are writing to object to the proposed zoning of land we own in Certificate of Title 251825/1. This title is located at Boltons Beach and accessed from the Hermitage Road. The land is zoned Rural Resource under the Glamorgan Spring Bay Interim Planning Scheme 2015 but is zoned Agriculture in the draft Local Provisions Schedule (LPS). We contend that the land in CT 251825/1 (copy enclosed) should be zoned Rural in the LPS for the following reasons:

1. The title is only 13.84 ha in area and is not viable for agriculture given the small area and complete lack of a reliable water supply.
2. The title is identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, however the more detailed analysis undertaken for the draft LPS recommended it be zoned Rural and indeed it was included in this zone in the initial draft LPS.

AK Consulting subsequently carried out a peer review of the draft mapping as it was recognised that the Agricultural Land Mapping project took a very conservative approach and as a result there were areas of land with very limited agricultural potential that were identified as potential agricultural land.

However for reasons that are unclear AK Consulting recommended that the land in CT 251825/1 and CT's 7969/1-3 be zoned Agriculture rather than the previously recommended Rural zoning. We believe that this decision could not have been based on a detailed analysis of our title, as even a cursory analysis would have shown that it is not a viable agricultural unit.

3. The land in CT 167623/2 which is immediately to the south of our title was identified as 'Unconstrained' agricultural land but included in the Rural zone in the initial draft LPS, as was our land. Unlike our land, the AK Consulting review did not recommend that this land be included in the Agriculture zone.

CT 167623/2 has an area of approximately 15.38ha which is slightly larger than our title, however like our land, our neighbours title is not a viable agricultural unit and we assume that this resulted in the decision to leave this title in the Rural zone.

4. The Supporting Report (V4 December 2019), Glamorgan Spring Bay draft Local Provisions Schedule at 3.1.2 Application of New Zones states in part that
 - "Rural Zone, to apply to non-urban land where agricultural use is limited by topography, existing lot size, surrounding use and development but the land can still provide for use and development that is compatible with uses occurring on agricultural land."

The State Government document Ministers Direction No.1 "LPS zone and code application" states at RZ3 (Pg.14):

The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:

- (a) It can be demonstrated that 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;
- (b) It can be demonstrated that there are significant constraints to agricultural use occurring on the land;

We contend that our land has limited or no potential for agricultural use due to its size and lack of a water supply. It is also not integral to the management of a larger farm holding. The land is also capable of "development that is compatible with uses occurring on agricultural land."

5. State Revenue office have classified the land in CT 251825/1 as 'General' and not 'Primary Production land' (PPL) and we pay land tax based on this classification. To have the land classified as PPL we would need to prove to the satisfaction of State Revenue that there is a reasonable expectation that primary production on the land would generate a profit. It is not possible, given the size of our land and lack of water, to demonstrate that any type of agricultural enterprise can generate a profit.

We request that a review be undertaken of the decision to change the proposed zoning of our land from Rural to Agriculture. We believe that a more detailed analysis of our land will substantiate a Rural zoning.

Please contact Mark Peacock on 0419 504 678 or email mark.peacock@pda.com.au if you require any further information in regard to this representation.

Yours Faithfully



Mark Peacock



Helen Hortle

SEARCH OF TORRENS TITLE

VOLUME 251825	FOLIO 1
EDITION 2	DATE OF ISSUE 28-Feb-2017

SEARCH DATE : 12-Feb-2020

SEARCH TIME : 03.11 PM

DESCRIPTION OF LAND

Parish of RAVENSDALE, Land District of PEMBROKE

Lot 1 on Plan 251825

Derivation : Part of Lot 1646 Gtd to C Colvin

Prior CT 4032/89

SCHEDULE 1

M567640 ANTHONY MARK PEACOCK and HELEN ANNE HORTLE as tenants
in common in equal shares Registered 28-Feb-2017 at
12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 7969 EASEMENTS in Schedule of Easements

SP 7969 FENCING PROVISION in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OS D 435

ANNEXURE TO **CERTIFICATE OF TITLE**
FOLIO OF REGISTER

VOL.

4032

FOL.

89



Recorder of Titles

REGISTERED NUMBER

251825

Lot 1 of this plan consists of all the
land comprised in the above-mentioned
cancelled folio of the Register

