WW TAS Pty Ltd
1181 Elderslie Road
Broadmarsh TAS 7030

Brighton Council
Tivoli Road
GAGEBROOK TAS 7030

Dear Sir,

REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE – ELDERSLIE & FERGUSSON ROADS, BRIGHTON,

I hereby make representation in regards to property owned by Twelve Stones Pty Ltd on Elderslie and Fergusson Roads, Brighton

The properties are defined in Certificates of Title Volume 175792 Fiolos 1, 2 and 3 (attached). All three properties are zoned Significant Agricultural under the Brightion Interim Planning Scheme 2015. The properties were zoned Intensive Agriculture under the Brighton Planning Scheme 2000.

The properties are gently sloping, and have a mix of native grasses and introduced Cocksfoot grass. The soils are predominately formed on Tertiary Basalt. These soils are high in clay content and have a thin topsoil profile. There are a number of areas where the land cannot be cultivated due to soil depth and the occurance of rock. In many areas the rock occurs as bedrook on the surface.

Historically; these properties were always zoned rural; they allowed for a residential dwelling and generally only allowed for a boundary adjustment or subdivsion down to a minimum of 40ha.

Leading up to the Brighton Planning Scheme 2000; these properties and other adjoinging sites along Elderslie Road, as well as other properties along Back Tea Tree Road were highlighted by the then General Manager, Mr Geoff Dodge and the then Council Engineer (now current General Manager), Mr Ron Sanderson as being suitable for the disposal of treated sewerage effluent. Council were in the process of putting a Federal funding grant application together and needed to address suitable sites for the wastewater irrigation and justify those sites by rezoning them to a more intensive rural zoning. No agricultural or planning assessment of the land was undertaken as the Scheme was already in its last stages of drafting. The Senior Planner was instructed to change the zoning to Significant Agriculture and the changes were adopted without question.

Under the Tasmanian Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5 however this assessment is undertaken at a scale of 1:100000. A localised assessment shows that although there are some areas of Class 4 land, there is equally as much Class 5 land and pockets of Class 6 because of significant soil, rock, water and climate constraints. The Tasmanian Land Capability System provides that:-

> CLASS 4
> Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.

Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. Insome areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

CLASS 5
This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

CLASS 6
Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

As Class 4 land the Tasmanian Land Capability System provides at best that the land has severve limitations and restricted cropping options under cultivation but we know that physically more than half of these properties cannot be cultivated due to soil depth and bedrock in any event. As Class 5 or 6 the land is only suitable for grazing under careful management.

Given that parts of the subject sites are serverely restricted for cropping and the remainder requires careful management for severely restricted grazing the sites must by definition be suited to the Rural Zone which has a zone purpose that states specifically:-

where agriclutural uses is limited or marginal due to topographical, environmental or other site or regional characteristics;

It could even be said that the mixed rotatation of dry cropping and grazing on the largest neighboruing properties is highly constrained and best suited to the Rural Zone.

Another significant constraint on each of these properties is their size. The previous zoning allowed for subdivision down to a minimum of 5ha. The resultant lot sizes and their constrained agricultural potential has created land use activites on a majority of the neighbouring properties that are inconsistant with the Agriculture Zone. The Council by it's own device has created a range of activities in this area that are although compatible with agricultural use do not fit the proposed Agricultural Zone. Again, the best response to the existing land use activities and to protect the existing agricultural land from further fragmentation is to zone the entire area Rural; which is exactly what it was before the Council Engineer sort to change it otherwise.

There is no doubt that the land along Elderslie Road heading west from Fergusson Road should be a rural zoning. The physical nature of the land is constrained by many factors that make it unsuitable for intensive agriculture. The area should be protected from further subdivision and any non-compatible uses. I submit that all properties in this area should be zoned Rural under the new Scheme but in particular our subject lots should be zoned Rural as they are the most limited and marginal due their more significant constraints.

Yours faithfully

OWNER TWELVE STONES PTY LTD

FOLIO REFERENCE
F/R 239223/1

GRANTEE
PART OF 500 ACRES GTD. TO JOSHUA FERGUSON

PLAN OF SURVEY

BY SURVEYOR PETER DAVID BINNY

LOCATION

LAND DISTRICT OF MONMOUTH

PARISH OF MELVILLE

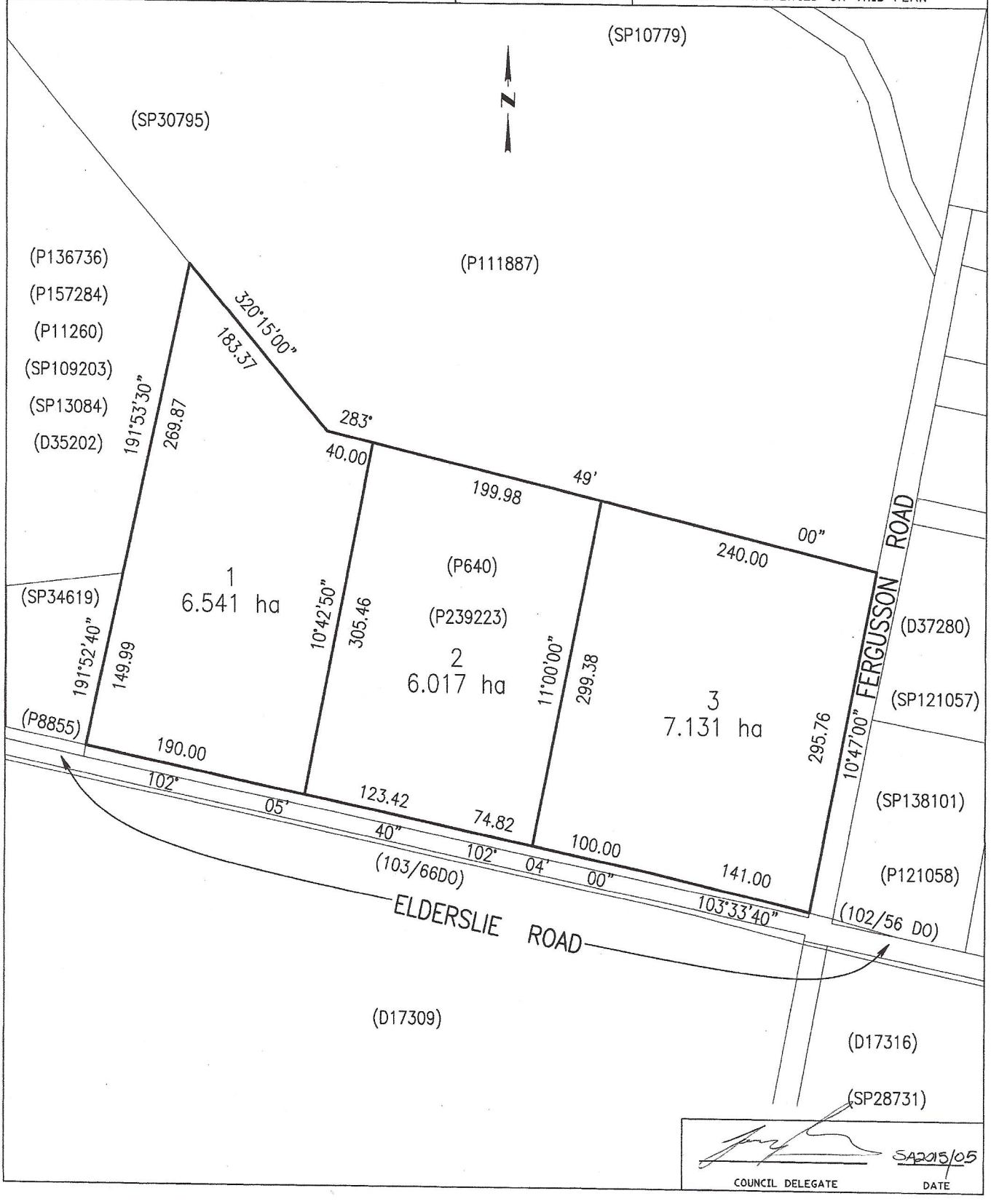
SCALE 1: 3000 LENGTHS IN METRES

REGISTERED NUMBER
SP175792

APPROVED
EFFECTIVE FROM 17 SEP 2018

Alice Kawa
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 102 ~~(5026 15)~~ (5027)	LAST UPI No	LAST PLAN No. P239223	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



COUNCIL DELEGATE

SA2015/05
DATE

CLASS	CROPPING SUITABILITY	PASTORAL SUITABILITY	LAND USE OPTIONS
1	High	High	Many
2			
3	Medium		
4	Low		
5	Unsuitable	Medium	Limited
6		Low	
7		Unsuitable	Extremely Limited

INCREASING LIMITATIONS TO USE

DECREASING VERSATILITY

Resources. (NWASCO), Wellington, New Zealand.)

	CLASS	LIMITATIONS	CHOICE OF CROPS	CONSERVATION PRACTICES
Under cultivation	1	Very minor	any	Very minor
	2	Slight	Slightly reduced	Minor
	3	Medium	Reduced	Major
	4	Severe	Restricted	Major + careful management
Under pastoral use	5	Slight to moderate	Grazing	
	6	Severe	Grazing	
	7	Very severe to extreme	No, or very minor agricultural value	

Figure 5. Features of land capability classes.