

**Carolyn Rimmer**

---

**From:** Debra Bellchambers  
**Sent:** Thursday, 6 July 2023 9:52 AM  
**To:** LPS submissions  
**Subject:** FW: Representation to the draft Kentish Local Provisions Schedule  
**Attachments:** Jason Lynch Property Assessment.pdf; Kentish-Draft-LPS-Zone-Maps-Exhibited-Version1.PDF.pdf; Careys Road Titles.pdf; 256 Careys Road Landslip.pdf; Kentish LPS representation.docx

**Debra Bellchambers**  
 DEVELOPMENT AND REGULATORY SERVICES SUPPORT OFFICER



Latrobe Council

170 Gilbert Street  
 PO Box 63 Latrobe 7307

(03) 6426 4444

[www.latrobe.tas.gov.au](http://www.latrobe.tas.gov.au)



[www.facebook.com/latrobecounciltas](https://www.facebook.com/latrobecounciltas)



Kentish Council

69 High Street  
 PO Box 63 Sheffield 7306

(03) 6491 0200

[www.kentish.tas.gov.au](http://www.kentish.tas.gov.au)



[www.facebook.com/kentishcouncil](https://www.facebook.com/kentishcouncil)

*Disclaimer: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which it is addressed and contains information that is privileged and confidential. If you are not the named addressee you should not disseminate, distribute, copy or alter this email. Any views or opinions presented in this email are solely those of the author and might not represent those of the Council. Warning: Although the Council has taken reasonable precautions to ensure no viruses are present in this email, it cannot accept responsibility for any loss or damage arising from the use of this email or attachments.*

Do you need to print this? *Rethink waste.* Visit [www.rethinkwaste.com.au](http://www.rethinkwaste.com.au)

**From:** Eileen Worssam <[eileen@mannahillfarm.com.au](mailto:eileen@mannahillfarm.com.au)>  
**Sent:** Sunday, July 2, 2023 9:29 PM  
**To:** Kentish Council <[council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au)>; Planning <[planning@latrobe.tas.gov.au](mailto:planning@latrobe.tas.gov.au)>; Planning <[planning@latrobe.tas.gov.au](mailto:planning@latrobe.tas.gov.au)>; Jan Febey <[jan.febey@latrobe.tas.gov.au](mailto:jan.febey@latrobe.tas.gov.au)>  
**Subject:** Representation to the draft Kentish Local Provisions Schedule

You don't often get email from [eileen@mannahillfarm.com.au](mailto:eileen@mannahillfarm.com.au). [Learn why this is important](#)

To: The General Manager Kentish Council

Please accept this email, with letter and relevant documents attached, as representation to the draft Local Provisions Schedule in relation to 256 Careys road (CT 85177/1) West Kentish

Please do not hesitate to contact us for any further information or clarification as required.

Thank you for your consideration

Simon and Eileen Worssam  
Manna Hill Farm

1.

Simon and Eileen Worssam  
Manna Hill Farm  
256 Careys Road  
West Kentish, TAS 7306

1 July 2023

The General Manager  
Kentish Council  
By email: [council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au)

Dear Sir,

**Representation to the Draft Kentish Local Provisions Schedule**

Please accept this letter as representation to the Kentish Council's draft Local Provisions Schedule.

This representation is guided by section 35E3(b) of the Land Use and Planning Act 1993. We respectfully submit that the LPS should zone the land at 256 Careys Road, West Kentish (property ID 6490055, CT75122/1 and CT85177/1) as *Rural* instead of *Agricultural*.

**Summary of site and support for representation for change of zoning:**

The site consists of two titles that has a total area of approximately 23 hectares (copy of relevant titles attached).



The southwestern area is very steep and heavily wooded. The eastern area is a steep gully that is also wooded. The balance is rough grazing currently used by a small flock of sheep and agisted cattle.

Since 2018 the property has operated as visitor accommodation under approved DA 2016/00054 and has council approved plans to expand under DA 2022/07 and DA 2022/08. This area (now removed from agricultural use by DA2016/00054) utilises approximately 5.4% of the property and most of the relatively level ground not subject to slippage. The visitor accommodation makes full use of the bucolic amenities of the surrounding countryside, including the commanding views of Mt Roland, drawing visitors to the area, and providing guests with a boutique agritourism experience.

A land use assessment has been undertaken by Jason Lynch, an agronomist with Pinion Advisory in 2021, (extracts of the relevant information is attached). The report identifies the property as predominantly covered by:

- class 5 land (15.5 hectares) with lesser areas of class 5+6 (2.5 hectares) and
- class 6 land (3.5 hectares) on the steeper sloping ground on the southwest and gully on the far eastern areas of the block.

### Constraints on Agricultural use

The steep topography, class of land (rocky), large areas identified as slippage (see slippage overlay) and other heavily wooded areas restrict the grazing capacity of the land. Furthermore, the current state of boundary fencing, means that considerable capital expense would be required prior to making any improvements on the grazing potential of the property, including wildlife exclusion and the addition of smaller paddocks for rotational grazing. Without the income from the proposed limited expansion of the visitor accommodation, any improvements for increasing the potential grazing capacity would not be financially viable.

The property does not form part of an irrigation district.

The use of the property aligns more closely with the purposes and guidelines of the **Rural Zone**, where agricultural use is limited or marginal due to topography and is not integral to the management of a larger farm. Furthermore, due to the steep topography and tendency to slippage and poor class of soil, it is not suitable for cropping or irrigation.

The purpose and guidelines for the Rural Zone outline the following:

Zone	Zone Purpose	Zone application guidelines
Rural	<p>20.1.1 To provide for a range of use or development in a rural location:</p> <ul style="list-style-type: none"> <li>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</li> <li>(b) that requires a rural location for operational reasons;</li> </ul>	<p>RZ 1</p> <p><i><u>The Rural Zone should be applied to <b>land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</b></u></i></p>

	<p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	<p>RZ 2</p> <p>The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</p> <p>RZ 3</p> <p>The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <p>(a) <u><i>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;</i></u></p> <p>(b) <u><i>it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</i></u></p> <p>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</p> <p>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</p> <p>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</p>
--	---	--

The relevant clauses are underlined and italicised.

In summary it is contended that the property should be rezoned as *Rural* since the property has marginal agricultural potential due to both the topography and the land classification and is not part of a larger farm. The current approved land use has been for Visitor accommodation since 2018, and we believe that the assessment criteria for setting the property in the agricultural zone was likely undertaken prior to that date. We also draw attention to the classification of Eagles Nest Retreat – a similar sized property in the nearby vicinity, and with the same land use, which has been classified as Rural.

#### **Attachments:**

Copy of Titles  
Zoning map showing the property  
Extract of Jason Lynch's report dated 6/8/21  
Slippage overlay - LIST

Thank you for your consideration.

Yours faithfully

Simon and Eileen Worssam



## 5 256 Careys Road

5.1 The property is 256 Careys Road (property titles 75122/1 and 85177/1) covers a total of approximately 23 hectares. A recent land capability assessment (conducted by Jason Lynch) identified the property is predominantly covered by class 5 land (15.5 hectares) with lesser areas of class 5+6 (2.5 hectares) and 6 land (3.5 hectares) on the steeper sloping land on the south west and gully on the far eastern areas of the block.

Class 5 land is defined as:

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 grown. 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 5+6 land is defined as:

At least 60% land suited to grazing but with moderate limitations, up to 40% land with severe limitations to pastoral use.

Class 6 land is defined as:

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.

5.2 No prime agricultural land is present on the property in question, and nearest prime agricultural land (as per class 3+4 land) is located approximately 400m to the north west on property title 249100/1.

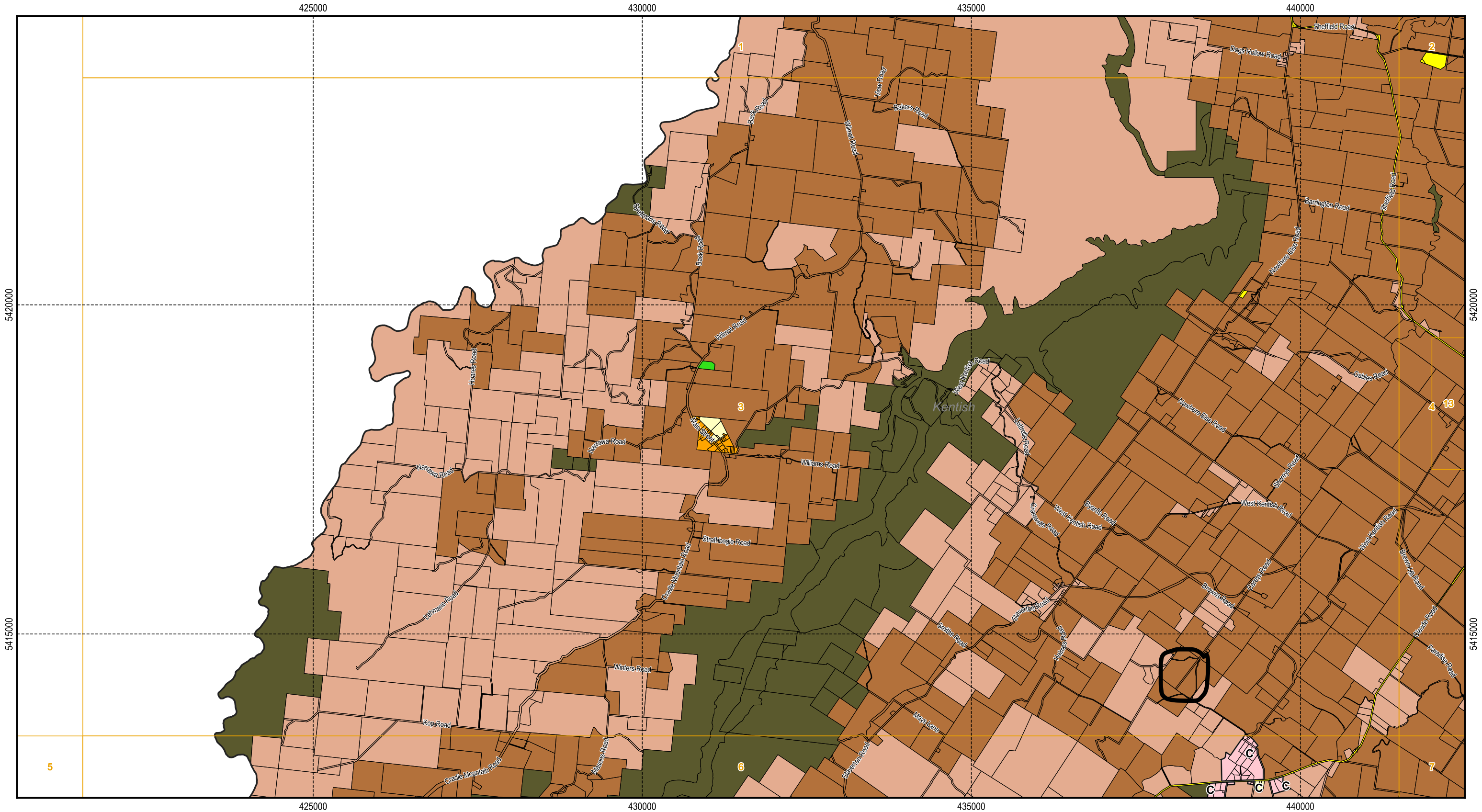
5.3 Of the 21.5 hectares of available land approximately 14 hectares of land is available for agricultural use with 6.3 hectares set aside for bushland, steep gully ground and land associated with the various elements of the visitor accommodation development (as per 1.2 hectares of land).



*Figure 1 Agricultural areas present on the property (blue shaded and outlined in red) on the property in question (outlined in white)*



Tasmanian Planning Scheme - Zones: Kentish Local Provisions Schedule



Legend

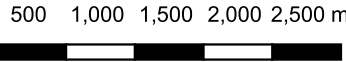
General Residential	Commercial	Utilities
Inner Residential	Light Industrial	Community Purpose
Low Density Residential	General Industrial	Recreation
Rural Living	Rural	Open Space
Village	Agriculture	Future Urban
Urban Mixed Use	Landscape Conservation	Particular Purpose
Local Business	Environmental Management	Zone Boundaries
General Business	Major Tourism	Cadastral parcels
Central Business	Port and Marine	

Zone boundaries:

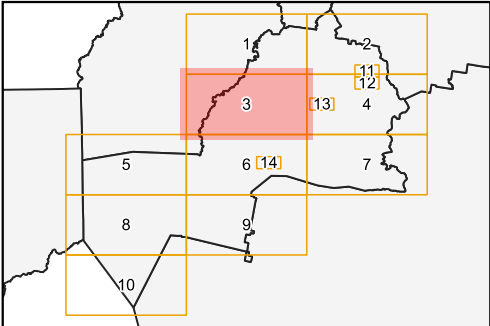
1. Between title corners

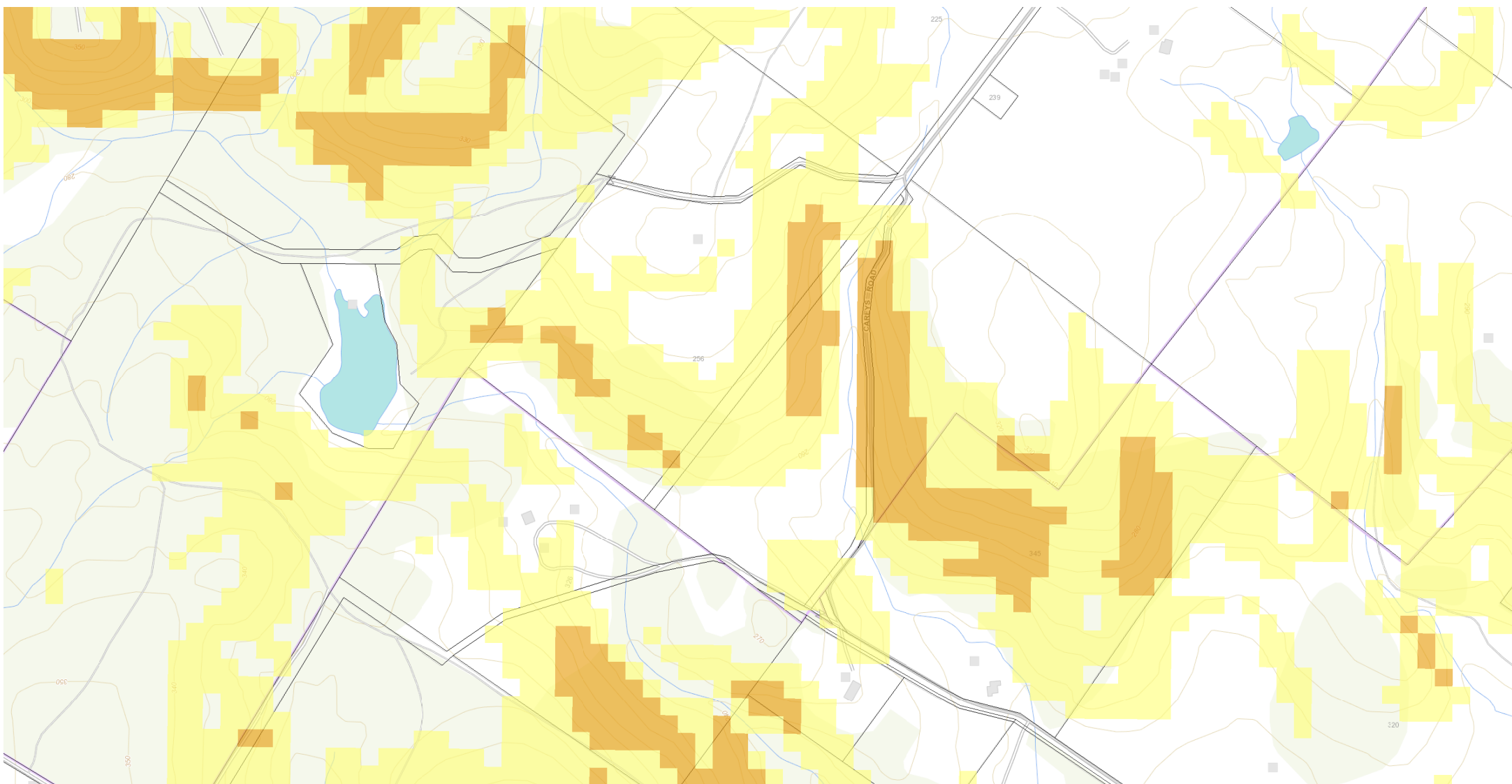


Map 3 of 14



Scale: 1:55,000 when printed at A3  
Coordinate system: GDA94 MGA Zone 55  
Planning data from Kentish Council  
Base topographic data from the LIST © State of Tasmania  
Print Date: 21/04/2023 Cadastre Date: 09/04/2023





www.thelist.tas.gov.au

## Legend

### Landslide Planning Map - Hazard Bands 20131022

Low



Medium



Medium to Active



High



Cadastral Parcels



Topographic



# CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

**COPY**

## TORRENS TITLE

VOLUME		FOLIO
85177		1
EDITION	DATE OF ISSUE	
3	02-Mar-2017	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

*Alice Kawa*

Recorder of Titles.



### DESCRIPTION OF LAND

Parish of KENTISBURY, Land District of DEVON  
Lot 1 on Diagram 85177 (formerly being 532-30D)  
Derivation : Part of Lot 12095 Gtd. to H. Arnott.  
Prior CT 2234/98

### SCHEDULE 1

M617669 TRANSFER to EILEEN JOY WORSSAM Registered  
02-Mar-2017 at noon

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any

**www.thelist.tas.gov.au**



# CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

**COPY**

## TORRENS TITLE

VOLUME		FOLIO
75122		1
EDITION	DATE OF ISSUE	
4	02-Mar-2017	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

*Alice Kawa*

Recorder of Titles.



### DESCRIPTION OF LAND

Parish of KENTISBURY, Land District of DEVON  
Lot 1 on Diagram 75122 (formerly being 560-3D)  
Derivation : Part of Lots 12095 Gtd. to H. Arnott.  
Prior CT 2434/72

### SCHEDULE 1

M617669 TRANSFER to EILEEN JOY WORSSAM Registered  
02-Mar-2017 at noon

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any

