

**Carolyn Rimmer**

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**From:** Debra Bellchambers  
**Sent:** Thursday, 13 July 2023 8:13 AM  
**To:** LPS submissions  
**Subject:** FW: Representation  
**Attachments:** Smithies 125 Careys Road.pdf

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



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**From:** Mark Smithies <smithies.mark@gmail.com>  
**Sent:** Friday, July 7, 2023 11:04 AM  
**To:** Kentish Council <council@kentish.tas.gov.au>  
**Subject:** Representation

Hello,

Please find attached our representation regarding our property and the Draft LPS.

We look forward to hearing from you in due course.

Sincerely

Mark and Keren Smithies  
 125 Careys Rd, West Kentish TAS 7306  
 0438911431

Mark and Keren Smithies 6 July 2023

### **Representation to Kentish Council re Draft Local Provisions Schedule.**

We live at 125 Careys Road. Our property, over which we have freehold title, consists of a 200m access driveway and residence.

Along with all of the land surrounding us, we are zoned “agriculture” on the draft LPS.

We request that Council pursues a zoning of “rural” for our property on our behalf.

The aspects of the State Planning Provisions relevant to our request are summarised with reference to Sections 20 and 21, as follows:

#### **20.1.1 Rural Zone Purposes**

To provide for a range of use or development in a rural location:

SPP	Comment
(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;	The property consists of a 200m driveway and an 0.6 ha residential block. We have lived at 125 Careys Road since 1990, during which our land has only ever been used as a residence. Before us we believe that at least the previous two owners were, similarly, residents and not farmers.
(b) that requires a rural location for operational reasons;	NA
(c) is compatible with agricultural use if occurring on agricultural land;	Half of our residential block is given over to open space, which is used occasionally by our neighbour for grazing cattle, and to keep the grass down. This is informal use that does not contribute substantially to agricultural production, but which nevertheless indicates compatibility.
(d) minimises adverse impacts on surrounding uses.	The property is entirely surrounded by farmland that is zoned “agriculture” in the LPS. Over many decades there have been no impacts, adverse or otherwise, on this surrounding use, and none are conceivable in the future.

### 21.1.1 Agriculture Zone Purposes

To protect land for the use or development of agricultural use by minimising:

SPP	Comment
(a) conflict with or interference from non-agricultural uses;	It's a residence, and has been a residence for decades. There is no need to minimise any of these to achieve an agricultural purpose, so there is no need for it to be zoned as "agricultural".
(b) non-agricultural use or development that precludes the return of the land to agricultural use; and	
(c) use of land for non-agricultural use in irrigation districts.	

#### General Comments:

- A rural classification is already evident on the draft schedule for nearby properties (at 179 and 218 Careys Rd) that have a similar pattern of occupancy and use to ours, ie, residences that are not connected to agriculture.
- We note the inconsistency of 15 Browns Road, and 192/194 Careys Rd being zoned "rural", when the owners of those properties have claimed a significant agricultural connection in recent developed applications. We raise this only to suggest inconsistency in the current delineations between "agriculture" and "rural" along Careys Rd. This becomes relevant if our request were to be denied, while a rural designation remained on those properties.
- A rural classification would enable us more discretionary possibilities. We have no particular plans, and we have not attempted to single out any particular permitted or discretionary uses from the SPP that we might be considering. Zoning our property as "agriculture" could impose illogical barriers to flexibility that would not be consistent with long-standing use.

We append a map, and ask that Council considers our request.

Mark and Keren Smithies

Appendix: Map of 125 Careys Rd.

