

Carolyn Rimmer

From: Debra Bellchambers
Sent: Friday, 7 July 2023 9:24 AM
To: LPS submissions
Subject: FW: Representation to the Draft Kentish Local Provisions Schedule - 62 Browns Road, West Kentish (Property ID 9574622)
Attachments: 62 Browns Road West Kentish_Representation_LPS .pdf; COT & Folio Plan.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Debra Bellchambers

DEVELOPMENT AND REGULATORY SERVICES SUPPORT OFFICER



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From: Steve Brattstrom <brattstroms@gmail.com>**Sent:** Thursday, July 6, 2023 8:06 AM**To:** Kentish Council <council@kentish.tas.gov.au>**Subject:** Representation to the Draft Kentish Local Provisions Schedule - 62 Browns Road, West Kentish (Property ID 9574622)

Please find attached a Letter of Representation for the Kentish Council's draft Local Provisions Schedule relevant to our property at 62 Browns Road, West Kentish.

In addition, please find attached a copy of the property's Title.

Regards,

Steven and Sandra Brattstrom

62 Browns Road
West Kentish TAS 7306
[Email: ssbrat@activ8.net.au](mailto:ssbrat@activ8.net.au)
Ph. 0427 475 113

Steven and Sandra Brattstrom
62 Browns Road
West Kentish TAS 7306
Ph. 0427 475 113
Email: ssbrat@activ8.net.au

VIA EMAIL: council@kentish.tas.gov.au

6 July 2023

Mr Gerald Monson
General Manager
Kentish Council
69 High Street
Sheffield Tasmania 7306

Dear Sir,

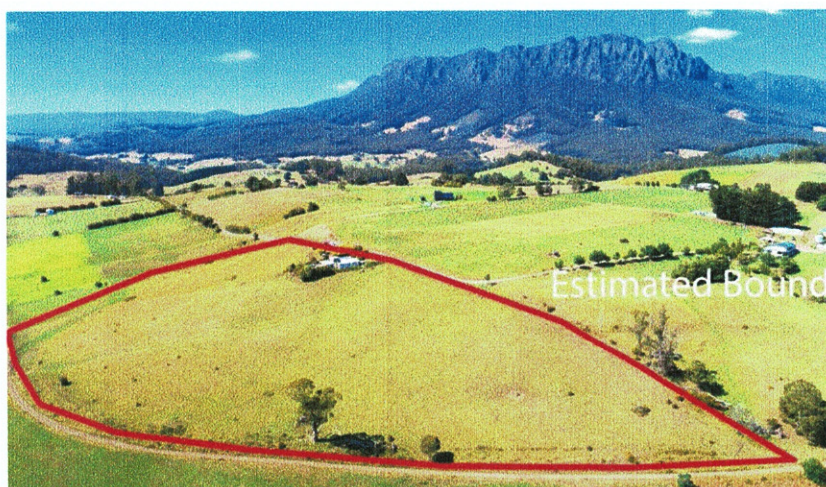
Representation to the Draft Kentish Local Provisions Schedule

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 62 Browns Road, West Kentish (Property ID 9574622, CT110644/1) as *Rural* instead of *Agricultural*.

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

The site consists of one title that has a total area of approximately 5 hectares (copy of relevant title attached).



Whilst the total property area is approximately 5 hectares (12.35 acres) in size, 0.7 acres of the property is comprised of a house and surrounding landscaped gardens which represent a net grazeable land area of approximately 11.6 acres.

We purchased the property in September 2020 under the zoning (*Rural Residential*) with the intention of initially renovating the existing residence (which has recently been completed) and then considering the building of a separate dwelling on the property for a short term, single dwelling accommodation (SCTA).

Part of the rationale was, that due to the relatively small size of the property compared to surrounding parcels of land, it was more conducive to developing short term accommodation rather than the property operating as an agricultural enterprise for grazing.

We have been approached by our neighbours that operate a large dairy farm and who are interested in a boundary adjustment which would provide them with an additional eight acres of grazable land. This would result in a reduced net grazable land area of approximately 3.5 to 4 acres at 62 Browns Road.

Whether the current 11.6 acre grazable area is retained or a boundary adjustment is enacted at a later date, it is considered that the use of the property aligns more closely with the purposes and guidelines of the *Rural Zone*, where agricultural use is limited and is not integral to the management of a larger farm.

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"> (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics; (b) that requires a rural location for operational reasons; (c) is compatible with agricultural use if occurring on agricultural land; (d) minimises adverse impacts on surrounding uses. <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 1</p> <p>The Rural Zone should be applied to 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.</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> <ul style="list-style-type: none"> (a) <u>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;</u> (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;

		<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>
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The relevant clauses are underlined and italicised.

In summary, it is requested that 62 Browns Road, West Kentish be rezoned as *Rural* since the property has marginal agricultural grazing potential and is not part of a larger farm. We also draw attention to the *Rural* Classification designated for the Eagles Nest Retreat properties at 15 Browns Road, 49 Browns Road and 194 Careys Road (in the vicinity of and across the street from 62 Browns Road), which represent significantly more grazable land than 62 Browns Road.

Thank you for your consideration in this matter.

Yours sincerely,

 *Sandra K. Brattstrom*

Steven E Brattstrom and
Sandra K Brattstrom

enc

CERTIFICATE OF TITLE

LAND TITLES ACT 1980

COPY



TASMANIA

TORRENS TITLE

VOLUME		FOLIO
110644		1
EDITION	DATE OF ISSUE	
5	30-Sep-2020	
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.

Recorder of Titles



DESCRIPTION OF LAND

Parish of KENTISBURY, Land District of DEVON
Lot 1 on Plan 110644
Being the land described in Conveyance No. 43/5247
Derivation : Part of Lot 4561a, 320 Acres Gtd. to John Davies
Derived from A12987

SCHEDULE 1

M844546 TRANSFER to STEVEN EDWARD BRATTSTROM and SANDRA KIMON
BRATTSTROM Registered 30-Sep-2020 at 12.01 PM

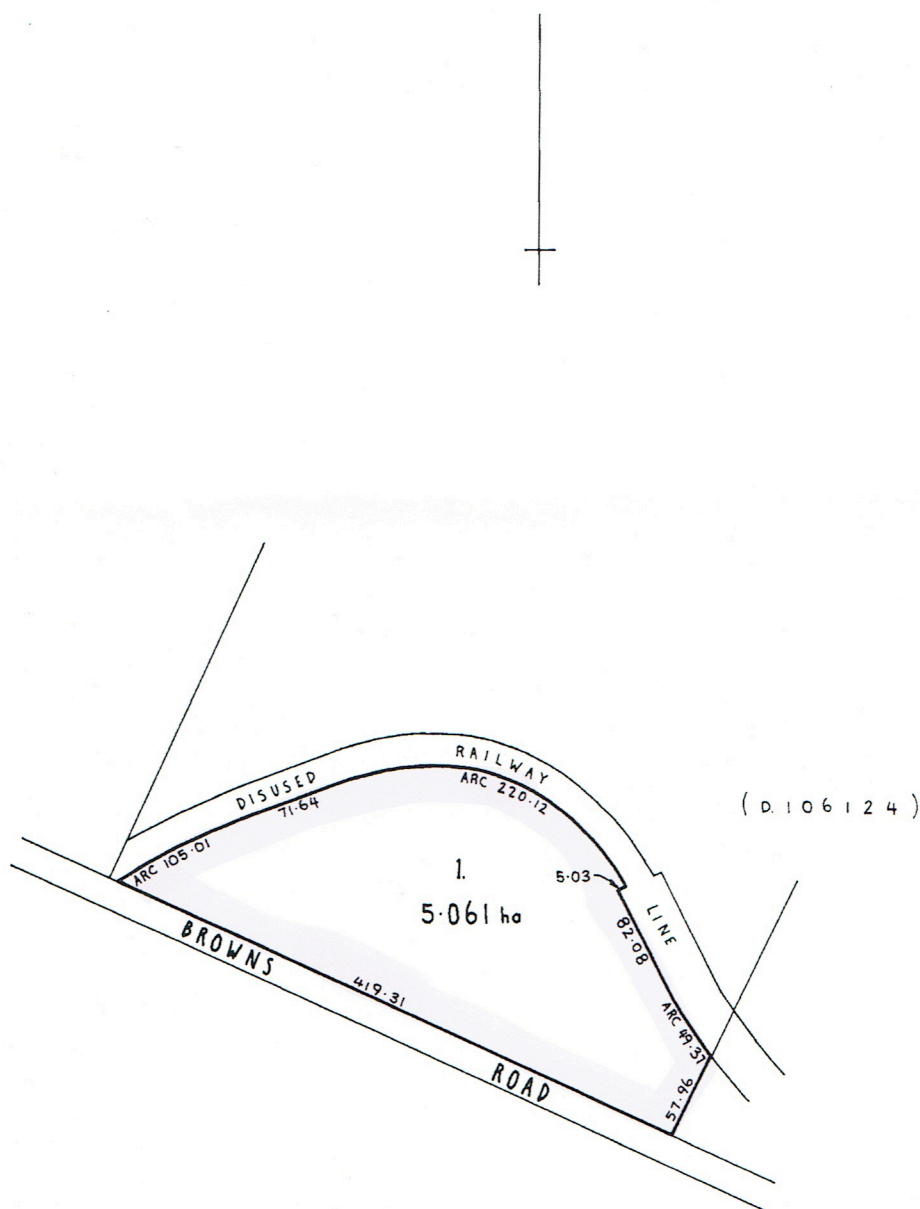
SCHEDULE 2

Reservations and conditions in the Crown Grant if any

FILE NUMBER A.12987		CONVERSION PLAN		REGISTERED NUMBER
GRANTEE PART OF LOT 4561A, 320A-0R-0P. GTD. TO JOHN DAVIES		LOCATION DEVON - KENTISBURY	P 110644	
		CONVERTED FROM 43/5247	APPROVED 31 MAR 1994 <i>Michael Sim</i> Recorder of Titles	
		NOT TO SCALE	LENGTHS IN METRES	
MAPSHEET MUNICIPAL CODE No. 51	LAST UPI No. 1537	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN MC

SKETCH BY WAY OF ILLUSTRATION ONLY

"EXCEPTED LANDS"



A-153