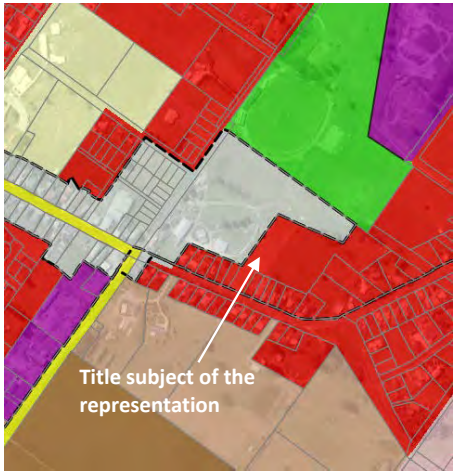
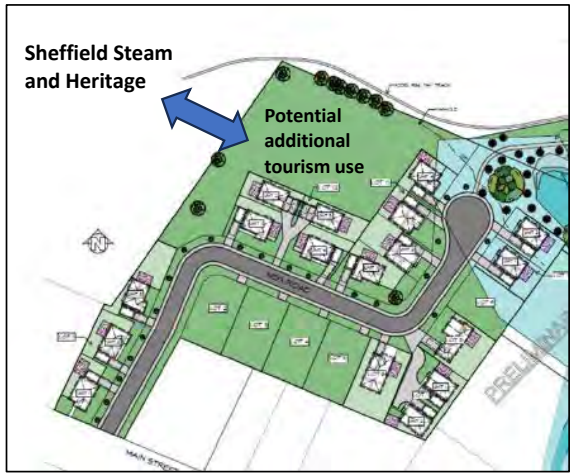
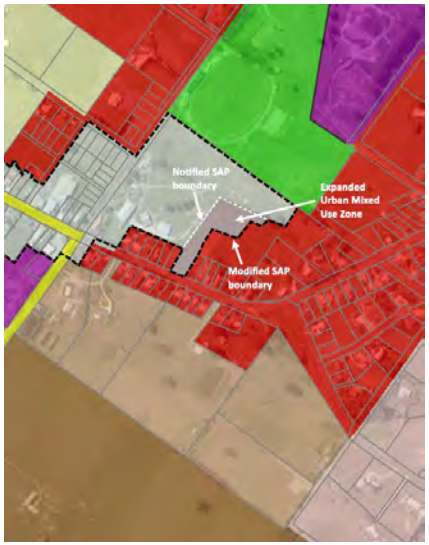
PLANNING AUTHORITY REPORT – S.35F OF THE LAND USE PLANNING & APPROVALS ACT 1993 – RESPONSE TO REPRESENTATIONS TO THE KENTISH DRAFT LOCAL PROVISIONS SCHEDULE

Acronyms:
LPSFAZ mapping: Land Potentially Suitable for Agriculture Zone mapping
TPS: Tasmanian Planning Scheme
SPP: State Planning Provisions
LPS: Local Provisions Schedule
SAP: Specific Area Plan
CCRLUS: Cradle Coast Regional Land Use Strategy

ZONING OF LAND	
GENERAL RESIDENTIAL ZONE (GRZ)	
Representation 7.	**B Ruttle – 60 Roland Court, Sheffield**
Matters Raised	Property is included in the GRZ as is current. Raises concerns regarding 'E3 Zone' – Appears to raise concerns relating to over-regulation of land.
Consideration of Merits	It is unclear as to what issues and concerns are raised by the submission, as there is no E3 zone in the TPS. It appears the general submission is about regulation of land being detrimental to land owners and rate-payers. Concerns regarding over-regulation are noted, however Council is obliged under legislation to implement the TPS which contains standardised regulatory provisions. Without a specific reference to a particular part of the TPS, it is not possible to address the representation in any more detail.
Recommendation	It is recommended that the LPS is not modified in response to the representation.

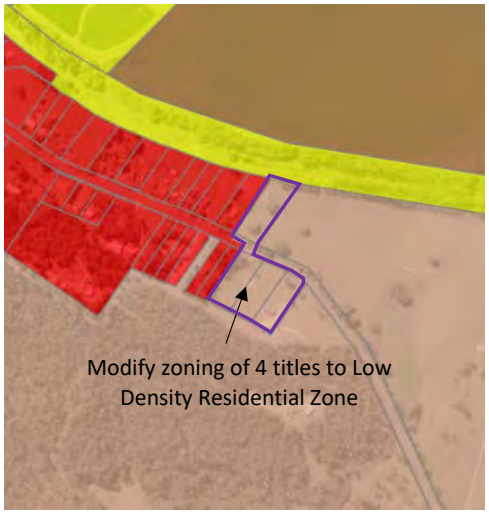
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 12.	**J Treloar – Land to east of Redwater Creek Railway Site, Sheffield**
Matters Raised	Objects to General Residential zoning on Council land to the east of the Redwater Creek Railway complex as it will be too restrictive for anticipated, future mixed use developments that will augment the tourism activities at Sheffield Steam and Heritage. Requests a mixed use zone instead of General Residential Zone.
Consideration of Merits	The land is indicated in the Draft LPS map in Figure 1. below and adjoins the Urban Mixed Use Zone and Sheffield Tourism Specific Area Plan – Sheffield Steam and Heritage Precinct. It is noted that the zoning is carried through from the current Interim Planning Scheme zoning, however a prior concept plan for the site that investigated potential use for both a tourism purpose and housing provided the basis for Council's purchase of the land in 2022. The concept plan shows part of the title adjacent to the Sheffield Steam and Heritage precinct that would be developed in conjunction with that precinct, with an access to Sheffield Main Street. The preliminary concept plan is shown in Figure 2 below.  **Figure 1 – Notified Draft LPS zoning and SAP**  **Figure 2 – Preliminary concept plan for future use of the site**

2

	Given the documented intention to augment tourism associated with the Sheffield Steam and Heritage Precinct, it is reasonable to add that part of the title identified for future tourism use to the Urban Mixed Use Zone and the Sheffield Tourism SAP as part of the Sheffield Steam and Heritage Precinct. The change in zoning and SAP boundary would need to extend over that part of the land that would take access from Main Street, to avoid future regulatory complication for access arrangements to a future tourism use from the associated frontage that would need to traverse a General Residential Zone. The LPS will operate more efficiently if the potential future dwelling units indicated in the concept plan toward the front western boundary are included in the Urban Mixed Zone and SAP, which provides for dwelling units under a discretionary status. In any respect, it is not certain that this part of the land will not be required for access and potentially parking for a future tourism use and the potential for this should not be prevented. Justification under s.32(4) is the same as that provided for the Sheffield Tourism SAP in that it meets the requirements of s.32(4)(a) as the use and development subject to the provisions is of significant social and economic benefit to the municipality.
Recommendation	It is recommended that the LPS is modified to apply the Urban Mixed Use Zone to part of CT182689/2 and the Sheffield Tourism SAP boundary and Sheffield Steam and Heritage Precinct is modified to incorporate the additional area of Urban Mixed Use zoning. The change is indicated in the diagram in Figure 3 below.  **Figure 3: Recommended modification**

Effect on Draft LPS as a Whole	The recommendation relates to a specific cadastral parcel and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 47.	**Sheffield Steam and Heritage Centre – Spring St, Sheffield**
Matters Raised	Supports Urban Mixed Use Zone for the Sheffield Steam & Heritage site. Consistent with points contained in representation 12, objects to General Residential zoning on adjoining land to the east due to impediments to future development plans for additional tourism development associated with the Sheffield Steam and Heritage centre. Requests mixed use zoning for CT182689/2. Submits that the provisions of the Road and Railway Code will appropriately protect adjoining residential uses.
Consideration of Merits	Support for the Urban Mixed Use Zone for the Sheffield Steam & Heritage site is noted. Comments made in response to representation 12 above are reiterated… that given the documented intention to augment tourism associated with the Sheffield Steam and Heritage Precinct, it is reasonable to add that part of the title identified for future tourism use to the Urban Mixed Use Zone and the Sheffield Tourism SAP as part of the Sheffield Steam and Heritage Precinct. It is noted that there is no intention to dedicate the entirety of the title to a future museum, with the balance area being considered for housing. As such, the recommendation does not support the Urban Mixed Use zone for the full extent of the title. It is noted that the Road and Railway Code attenuation area will not apply to Sheffield Steam and Heritage as the railway is a tourist attraction and is not part of the State rail network, however the use standards relating to hours of operation in the SAP make provision for residential amenity.
Recommendation	It is recommended that the LPS is modified to apply the Urban Mixed Use Zone to part of CT182689/2 and the Sheffield Tourism SAP boundary and Sheffield Steam and Heritage Precinct is modified to incorporate the additional area of Urban Mixed Use zoning. The change is indicated in the diagram in Figure 4 above.
Effect on Draft LPS as a Whole	The recommendation relates to a specific cadastral parcel and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 53.	**Veris obo R & M Blenkhorn – 1969 Railton Rd, Railton**
Matters Raised	Requests General Residential Zone over 1969 Railton Rd (CT144608/3) instead of Rural Zone and suggests same for other adjoining titles fronting Railton Rd.

	Submission notes that the draft LPS zoning is likely a transitioning issue, however that the land is currently a residential use and is of a lot size that can only be regarded as residential. The submission notes the same characteristics for CT's 144608/2 and 144608/1 adjoining and that these titles are mapped as constrained in the State LPSFAZ mapping.
Consideration of Merits	Submissions regarding the residential characteristics of the lots are generally accepted. However, it appears that 2 of the 3 lots, including 1969 Railton Rd, are not serviced by a gravity sewer connection. Whilst it is noted that the Taswater sewer serviced land layer on LISTMap is not always an accurate representation of the actual gravity serviceability of land, it does exclude two titles in this cluster. The current zoning appears to reflect extent of gravity service sewer. The application of the General Residential Zone is appropriate for fully serviced land. However, the Low Density Residential Zone is described in the Section 8A Guideline as being appropriate for residential areas that cannot be developed to higher densities due to a lack of availability of reticulated services. Each of the lots described are between 4000m^2 and 5000m^2 and are of a size that is suitable for on-site wastewater treatment. It is also noted that identical circumstances exist for CT161000/1 opposite, which is the last residential sized lot fronting Railton Rd/Kimberley Rd on the northern side. The application of the Rural Zone requires further consideration, relating to the types of uses that can establish under a permitted or discretionary status. The stated purpose of the Rural Zone is to provide for a range of use and development in a rural location where agricultural use is limited. The zone enables a substantial number of industrial and commercial type uses. However, the provisions of the zone do not enable consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character, or areas that may be sought due to a cost advantage over zoned industrial land. Review of the land use pattern in this area raises concerns regarding the potential for inappropriate uses to establish on these residential sized lots if retained in the Rural Zone, that would be incompatible with the existing residential area and would impede future strategic imperatives relating to matters such as town entrance presentation and township amenity. This is becoming increasingly important as Railton develops as a tourism hub, in response to the recent opening of the nearby mountain biking trails. **Note:** A number of representations have raised issues with Rural zoning at Railton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the settlement to provide for consistency and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for emerging opportunities or to be able to justify localised provisions at this stage under s.32(4) of the LUPAA. This necessitated a review of some of the proposed applications of zoning to particular areas within the township. The overall conclusions of this review for Railton, that are reflected in the responses to representations, are outlined in Appendix 1 to this report.

Recommendation	Apply the Low Density Residential Zone to CT's 144608/3, 144608/2 144608/1 and 161000/1 shown outlined in Figure 4.  **Figure 4.**
Effect on Draft LPS as a Whole	The recommendation relates to a small group of cadastral parcels at Railton and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 55.	**Veris obo A Richards – 15 Shepheards Rd, Railton**
Matters Raised	Submits for Low Density Residential zoning over a 8,975m^2 title at 15 Shepheards Rd and General Residential and Low Density Residential zoning over other adjoining titles in an identified cluster. Submission notes that the draft LPS zoning is likely a transitioning issue and suggests that current General Residential Zone boundaries may reflect a prior land use. The submission notes that characteristics of the cluster of titles in this area are distinctly residential in nature and that all of these titles are mapped as constrained in the State LPSFAZ mapping.
Consideration of Merits	Submissions regarding the residential characteristics of the lots in the area are generally accepted and agreed.

However there are anomalies in the current rural zoning in regard to the extent of gravity sewer services, with some of the current General Residential zoning on 40 and 52 Native Rock Rd, reflecting the extent of gravity sewer service (noting that the Taswater sewer serviced land layer in LISTMap is not entirely accurate in this location).

It is noted however, that the 5 lots from No's. 5 -13 Shepheards Rd, that range in size from 1179m^2 to 1454m^2 with three now containing dwellings, either are connected, or can, connect to the sewer main located along Shepheards Rd (Refer Figure 6. Below). These lots are consistent in size with other General Residential zoned lots in the vicinity. It is considered appropriate that these lots are zoned General Residential given their size, residential development and full serviceability.

Figure 5: Draft LPS zoning

Figure 6: Aerial photo of Shepheards Rd showing location of Taswater Sewer main.

No.15 Shepheards Rd however is a larger title and may not be full serviceable by gravity sewer. It is acknowledged that the land has potential to contribute to additional housing in the settlement, however may have a future role in providing linkage to land to the north. Under the provisions of the Low Density Residential Zone, the title has potential to yield an additional 6 lots at the minimum allowable size of 1200m^2. A subdivision at these lot sizes may actually limit potential future serviced land yields, when an accurate appreciation of sewer serviceability is known. The same issues are also present in regard to adjoining properties from 68 – 76 Native Rock Rd.

	As such, it is considered premature to apply a zoning that facilitates additional residential lot yield until such time as the area can be more comprehensively investigated, including matters relating to accurately determining the extent of gravity servicing, access and road connectivity, flood hazard from the watercourse etc. together with a better appreciation of the demand and supply of land and the housing mix for the settlement. Irrespective, submissions regarding potentially inappropriate uses within a residential environment through Rural zoning are supported and are consistent with Council's position described in the response to representation 53 above. It is considered that the Rural Living Zone provides appropriate recognition of the residential environment and prevents some of the inappropriate uses allowable under the Rural Zone that would not have tests of locational appropriateness. This concern is also present for 10 and 12 Shepheards Rd, which are two, approximately 7.5 hectare properties containing dwellings, at the end of the residential street and can be reasonably described as a rural-residential land use. It is considered appropriate that the area is properly recognised as a residential environment through Rural Living zoning, but that category C is applied to prevent further subdivision of those lots until more detailed investigations can be carried out in regard to serviceability and appropriate structure planning can be undertaken relating to housing types, population and density, commercial opportunity, road and pedestrian connectivity etc. This places the lots in a 'holding pattern' until the more detailed work and consultation with the community can be undertaken. **Note:** A number of representations have raised issues with Rural zoning at Railton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the settlement to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for emerging opportunities or to be able to justify localised provisions at this stage under s.32(4) of the LUPAA. This necessitated a review of some of the proposed application of zoning to particular areas within the township. The overall conclusions of this review for Railton, that are reflected in the responses to representations, are outlined in Appendix 1 to this report.
Recommendation	1. It is recommended that the draft LPS is modified for the Railton settlement as indicated in Appendix 1. 2. It is recommended that, specifically in the vicinity of Shepheards Rd, the LPS is modified as follows: a) Apply the General Residential Zone to No's 5-13 Shepheards Rd (CT's 155394/, 155394/2, 155394/3, 155394/4, 155394/5) and the balance area of 39 Native Rock Rd (CT 138724/1). b) Apply the Rural Living Zone C to: 57 Native Rock Rd CT 163501/1 63 Native Rock Rd CT200619/1 37 Native Rock Rd CT72608/1

	76 Native Rock Rd CT 13334/1 8 Shepheards Rd CT80812/1 72 Railton Rd CT 214090/1 15 Shepheards Rd CT155394/6 12 Shepheards Rd CT209486/1 10 Shepheards Rd CT 80812/1 6 Shepheards Rd CT 201343/1 and the balance of the following titles that have General Residential zoning (which is to be retained): 62 Latrobe Rd CT 79538/1 54 Latrobe Rd CT 216642/1. 48 Latrobe Rd CT60950/3 48 Latrobe Rd CT60950/2 46 Latrobe Rd CT216639/1 52 Native Rock Rd CT 53861/3 & 53861/4 40 Native Rock Rd CT 223131/1 37 Native Rock Rd CT 72608/1 c) Apply the Low Density Residential Zone to the balance area of 45 Native Rock Rd CT138724/2 not contained in the General Residential Zone (which is to be retained).
Effect on Draft LPS as a Whole	The recommendations relate to specific cadastral parcels within the Railton settlement and do not affect the draft LPS as a whole. However, it is noted that the consideration of Rural zoning more broadly for the settlement invokes principles for application of the Rural Zone to land throughout the municipality, in considering the risk of inappropriate uses being able to establish in this zone without locational tests of suitability and the potential for conflict.
LPS Criteria	The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning. The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act. The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.
RURAL LIVING ZONE – South Spreyton/Acacia Hills	
Representation 23.	**J Keep & R Brockhurst – 24 Hillside Court, South Spreyton**
Matters Raised	Request Rural Living Zone B over 26ha title instead of Agriculture Zone – Agricultural assessment provided.
Consideration of Merits	Submissions regarding low to negligible ag productivity in the agricultural assessment are accepted and agreed. The land has been omitted from the State LPSFAZ mapping. It is clear the dominant characteristics of the land use are more rural-residential in nature, consistent with surrounding land and it is appropriate that this is reflected through application of the Rural Living Zone.

	There is merit in analysing a number of properties with similar, or identical characteristics in this location for potential Rural Living zoning, as reflection of their existing land use. Figure 8 below indicates the subject property and other nearby properties with similar characteristics. Further qualified agricultural analysis has been undertaken by RMCG which is attached at Appendix 2 of this report. The analysis of this south-eastern part of Acacia Hills/South Spreyton concludes that this grouping of titles can reasonably be regarded as 'lifestyle scale' properties, where there is little to no relevance for primary production and residential use is the dominant activity. The analysis qualifies that there may be potential for native forest harvesting, however information contained in the analysis by Lisa Abblitt demonstrates that the land areas available and typology are extremely unlikely to provide for commercially viable forestry operations. The enterprise scale analysis by RMCG does not however, automatically imply that the application of the Rural Zone is the most appropriate response. As discussed above, the Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. The zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character, or areas that may be sought due to a cost advantage over zoned industrial land. Review of the land use pattern in this area raises concerns regarding the potential for uses to establish on these lots if the Rural Zone is applied, that would be incompatible with the existing residential area through which they take access. The representation submits for RLZ B on the basis that 2 hectare lots are consistent with the area. There is, as yet, no strategic basis to provide for intensification. Council acknowledges that significant increases in the demand for land for additional housing over the last three years has somewhat outpaced the conclusions of prior strategic review work undertaken for this locality. Council recognises that a contemporary review of housing and the demands of population growth is warranted, particularly in the context of the implementation of the Tasmanian Planning Scheme and the imminent implementation of the Tasmanian Planning Policies. Council acknowledges the points made in the representation about the potential locational suitability of the area in providing for additional rural residential opportunity. However, at present Council's land use strategy is not evolved to a sufficient level to justify a change of zone that enables the provision of approximately 12 additional rural - residential lots. In the interests of fairness and equity, this property must be considered in conjunction with other representations relating to this locality and also the broader assessment undertaken by RMCG, which concludes that a number of titles in this locality, not all of which are the subject of representation, are properly described as a rural-residential 'lifestyle' scale land use, or are otherwise constrained because of proximity to rural-residential land uses. The locality will however, form part of the strategic review into the role and location of rural residential land use in the municipality and region, either before, or as part of, the review of the Regional Land Use Strategy. This will investigate whether an expansion of the zone in this location is appropriate and justifiable.

	Note: A number of representations have raised issues with proposed Agriculture and Rural zoning at Acacia Hills and South Spreyton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for additional rural-residential opportunities. This necessitated a review of some of the proposed application of zoning to properties within the locality. The overall conclusions of this review for Acacia Hills and South Spreyton, that are reflected in the responses to representations and in consideration of the RMCG assessment, are outlined in Appendix 1 to this report. In regard to the property at 24 Hillside Court, it is considered reasonable in the circumstances to apply the Rural Living Zone D, in recognition of the existing land use on the site and the land use pattern of the locality. Rural Living Zone D would potentially provide for an additional 2 lots to be created, which could constrain future densification of the land should further strategic analysis indicate that additional lot supply is warranted. Therefore, it is recommended that a site-specific qualification be applied to prevent further subdivision until such time as the strategic planning for the locality is updated.

	 Figure 7.
Recommendation	1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1. 2. It is recommended that, specifically in the vicinity of Grandview Drive, Hillside Court, James Road and Atkins Drive, the LPS is modified as follows: a) Apply the Rural Living Zone D to folios of the register 144473/4, 157595/1, 157595/2, 157595/3,157595/4, 53762/2, 177003/1, 50682/1, 19218/1, 132931/1. b) Apply the following Site-Specific Qualification to the listed titles:

	Reference Number	**Site Reference**	**Folio of the Register**	**Description**	**Relevant Clause in State Planning Provisions**
	KEN-11.1	24 Hillside Court, South Spreyton 198A Grandview Drive 200 Grandview Drive 45 Coal Hill Road Lot 1 James Road 230 James Road 100 Atkins Drive	144473/4 157595/1 157595/2 53762/2 19218/1 177003/1 50682/1 132931/1	In substitution for the relevant clause: **A1** Subdivision does not create additional lots. **P1** No Performance Criterion	11.5.1 Lot Design A1 and P1
Effect on Draft LPS as a Whole	The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.				
LPS Criteria	The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning. The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act. The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.				
Representation 41.	**P Brodel obo P Brodel, P Brodel, M Wilson, M Wilson & L Brodel – 198A, 198B, 198C and 200 Grandview Drive, South Spreyton.**				
Matters Raised	Request Rural Living zoning over multiple titles instead of Agriculture Zone – Agricultural assessment provided. Submit that the lots contribute to the connectivity and continuity of rural-residential land use in the Acacia Hills/South Spreyton settlement cluster.				
Consideration of Merits	The titles adjoin Representation 23 above. Broader considerations for the area that are discussed above and form the basis of the recommendations for the locality, are also relevant to this representation. Representation submissions regarding low to negligible agricultural productivity and recognition of existing rural-residential land use and agricultural assessment are accepted and agreed. The representation makes comprehensive submissions regarding strategic documents and the appreciation of the demand for, and supply of, rural-residential land in the locality over a number of years. It is noted that observations regarding the apparent				

inconsistency between the CCRLUS and current circumstances have been identified at the regional level, which is why the CCRLUS is currently undergoing an interim review for amendments that enable consideration of contemporary circumstances in the demand for land and housing. It is noted however, that the representation does not submit for a specific category of Rural Living Zone.

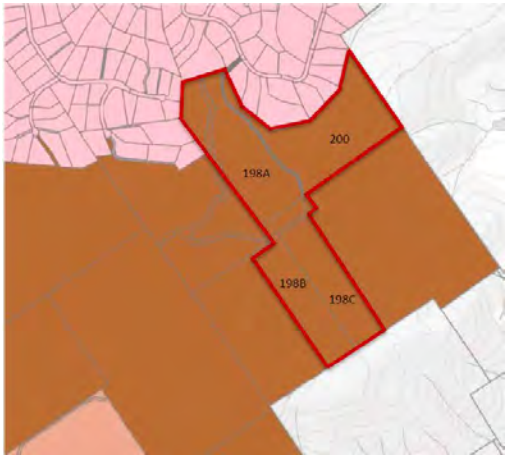


Figure 8: Titles subject of the representation.

As discussed in response to Representation 23 above, there is merit in applying the Rural Living Zone to a number of properties in the area as a reflection of their existing land use, the negligible capability for agriculture and limitations for forestry. The lots that are the subject of the representation are an integral part of this consolidated view, which is supported in the agricultural analysis by both RMCG and Lisa Abblitt.

As above, this does not automatically imply that the application of the Rural Zone is the most appropriate response. The Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. The zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character, or areas that may be sought due to a cost advantage over zoned industrial land. Review of the land use pattern in this area raises concerns regarding the potential for uses to establish on these lots if the Rural Zone is applied, that would be incompatible with the existing residential area through which they take access.

It is considered appropriate to apply the Rural Living Zone D to the four submitted properties, as part of the review of the broader area that determines that this zone is appropriate for a number of adjoining properties to the south-eastern edge of Acacia Hills/South

<table>
<tr><td></td><td>Spreyton. Consistent with the position for Representation 23 above that there is, as yet, no strategic basis to provide for intensification, and given that 198A and 200 Grandview Drive are of a size that would potentially provide for an additional 2 lots to be created, which could potentially constrain future densification of the land, it is recommended that a site-specific qualification be applied to those lots to prevent further subdivision until such time as the strategic planning for the locality is updated.</td></tr>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Grandview Drive, Hillside Court, James Road and Atkins Drive, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 144473/4, 157595/1, 157595/2, 157595/3,157595/4, 53762/2, 177003/1, 50682/1, 19218/1, 132931/1.
b) Apply the following Site-Specific Qualification to the listed titles:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>24 Hillside Court, South Spreyton
198A Grandview Drive
200 Grandview Drive
45 Coal Hill Road
Lot 1 James Road
230 James Road
100 Atkins Drive</td><td>144473/4
157595/1
157595/2
53762/2
19218/1
177003/1
50682/1
132931/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.

P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table></td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.

The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
</table>

Representation 35.	**Veris obo R Sushames – 230 James Rd, Acacia Hills (multiple titles)**
Matters Raised	Submits for Rural Living Zone A over three titles with a combined area of 157.8 hectares. Submission notes that the draft LPS zoning is transitioning from the Rural Resource Zone and identifies that the land is mapped as potentially unconstrained in the State LPFAZ mapping. Representation submits a qualified soil assessment. The representation submits that RLZ A would provide for long term strategic road connectivity identified in Council's draft strategic plan for the area and that large parcels zoned Rural Living for some time have not developed. Submission notes potential for industrial type uses under the Rural Zone that would be attracted to the proximity to Sheffield Road, which would risk land use conflict with existing rural-residential land use.
Consideration of Merits	Submissions regarding low to negligible agricultural productivity are generally accepted and agreed. However, this position relies upon the assessment undertaken by RMCG at Appendix 2, as the submitted soil report does not sufficiently address the matters described in the s.8A Guideline No.1 - AZ 6 (e) relating to the demonstration that the Agriculture Zone is not appropriate, through an agricultural assessment. It does however, confirm the very low land capability in the State mapping. The analysis by RMCG of this south-eastern part of Acacia Hills/South Spreyton concludes that this grouping of titles can reasonably be regarded as 'lifestyle scale' properties, where there is little to no relevance for primary production. The analysis qualifies that there may be potential for native forest harvesting, however information contained in the soil report also indicates that the native vegetation is suffering from disease. The enterprise scale analysis by RMCG does not however, automatically imply that the application of the Rural Zone is the most appropriate response. As discussed above, the Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As stated in the representation, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to Devonport and close proximity to the arterial road, as noted by Veris. Review of the land use pattern in this area raises concerns regarding the potential for uses to establish on these lots if the Rural Zone is applied, that would be incompatible with the existing residential area through which they take access.

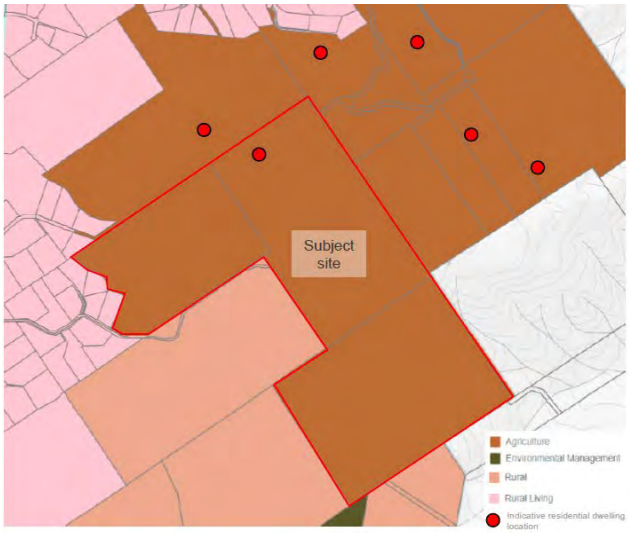


Figure 9: Extract of subject titles from representation.

As discussed in regard to the representations above, there is, as yet, no strategic basis to provide for intensification. Council recognises that a contemporary review of housing and the demands of population growth is warranted, particularly in the context of the implementation of the Tasmanian Planning Scheme and the imminent implementation of the Tasmanian Planning Policies.

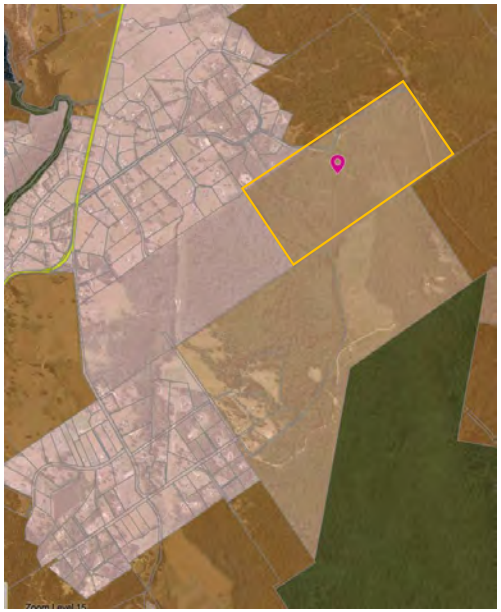
Council acknowledges the points made in the representation about the potential locational suitability of the area in providing for additional rural residential opportunity consistent with the existing land use pattern along with strategic road connectivity. However, at present Council's land use strategy is not evolved to a sufficient level to justify a change of zone that enables the provision of approximately 100 additional rural-residential lots.

In the interests of fairness and equity, this property must be considered in conjunction with other representations relating to this locality and also the broader assessment undertaken by RMCG, which concludes that a number of titles in this locality, not all of which are the subject of representation, are properly described as a rural-residential 'lifestyle' scale land use, or are otherwise constrained because of proximity to rural-residential land uses. The locality will however, form part of the strategic review into the role and location of rural residential land use in the municipality and region, either before, or as part of, the review of the Regional Land Use Strategy. This will investigate whether an expansion of the zone in this location is appropriate and justifiable.

	Note: A number of representations have raised issues with proposed Agriculture and Rural zoning at Acacia Hills and South Spreyton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for additional rural-residential opportunities. This necessitated a review of some of the proposed application of zoning to properties within the locality. The overall conclusions of this review for Acacia Hills and South Spreyton, that are reflected in the responses to representations and in consideration of the RMCG assessment, are outlined in Appendix 1 to this report. In regard to the lots that are the subject of this representation, it is considered reasonable in the circumstances to apply the Rural Living Zone D, in recognition of the existing land use on the site and the land use pattern of the locality. Rural Living Zone D would potentially provide for an approximate additional 14 lots to be created. Therefore, it is recommended that a site-specific qualification be applied to prevent further subdivision until such time as the strategic planning for the locality is updated.
Recommendation	1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1. 2. It is recommended that, specifically in the vicinity of Grandview Drive, Hillside Court, James Road and Atkins Drive, the LPS is modified as follows: a) Apply the Rural Living Zone D to folios of the register 144473/4, 157595/1, 157595/2, 157595/3,157595/4, 53762/2, 177003/1, 50682/1, 19218/1, 132931/1. b) Apply the following Site-Specific Qualification to the listed titles:

Reference Number	Site Reference	Folio of the Register	Description	Relevant Clause in State Planning Provisions
KEN-11.1	24 Hillside Court, South Spreyton 198A Grandview Drive 200 Grandview Drive 45 Coal Hill Road Lot 1 James Road 230 James Road 100 Atkins Drive	144473/4 157595/1 157595/2 53762/2 19218/1 177003/1 50682/1 132931/1	In substitution for the relevant clause: **A1** Subdivision does not create additional lots. **P1** No Performance Criterion	11.5.1 Lot Design A1 and P1

Effect on Draft LPS as a Whole	The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.
LPS Criteria	The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning. The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act. The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.
Representation 56.	**Veris obo D & S Templar – Lot 1 Acacia Hills PID 2921575**
Matters Raised	Submits for Rural Living Zone A instead of Rural Zone over a 57.4ha lot, citing lack of productivity, current low value forest plantation and potential for land use conflict. Forestry assessment provided.
Consideration of Merits	The subject property is indicated in Figure 10 below and is currently under Private Timber Reserve (PTR). Whilst the submissions regarding the performance of the plantation and risk of incompatible use are generally accepted, a PTR dedication provides for unfettered use of the land for forestry, a rural resource activity. On this basis, it is not considered appropriate to apply a zone other than the Rural Zone while the PTR status is applicable to the land and whilst there is an active forestry use occurring. In addition, at 57.4ha, the land would enable an additional 40 lots to be created. Consistent with the response to representations above, Council's land use strategy is not evolved to a sufficient level to justify a change of zone that enables the provision of a substantive number of additional rural-residential lots.

	 **Figure 10: Draft LPS zoning and location of subject property.**
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 29.	**L & J Freeman – 572A Sheffield Rd, Acacia Hills**
Matters Raised	Requests 'rural-residential' zoning over 15.6ha property instead of Agriculture Zone. Submits that the land is a steep, with a small cleared area and the balance being forested, such that it is impossible to run a viable farming enterprise. The representation notes that the property adjoins 6 other small, rural-residential properties with dwellings that are also non-viable for farming.

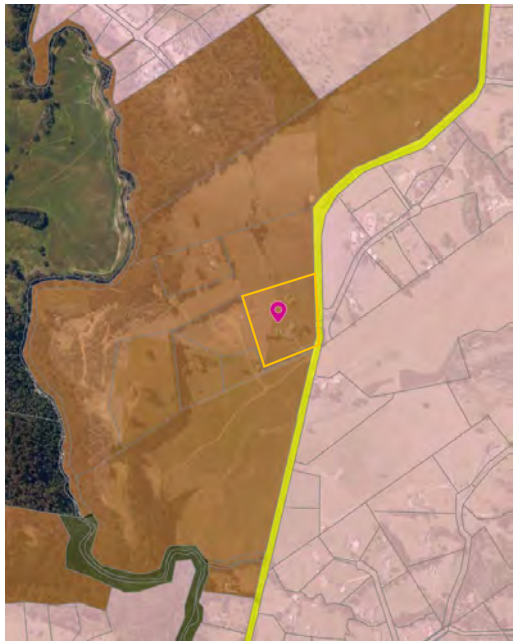
Consideration of Merits	Submissions regarding low to negligible agricultural productivity are generally accepted and agreed. This position relies upon the broader agricultural assessment of the grouping of titles undertaken by RMCG, included at Appendix 2 together with the State LPSFAZ mapping for one, 1ha title at 636 Sheffield Rd at the southern edge of the cluster. The analysis by RMCG of this western part of Acacia Hills/South Spreyton concludes that this grouping of titles can reasonably be regarded as either 'lifestyle scale' properties, where there is little to no relevance for primary production or 'hobby scale' properties, whereby the property is not a viable scale of itself and only capable of minor returns. Hobby scale properties may contain a dwelling which means that the dominant use is residential as the property does not generate self-supporting returns, or is surrounded by other non-agricultural or small scale properties, such that the land cannot be part of a series of connected holdings. Of the ten title grouping that is bound Rural Living zoning to the north, south and east and the Don River to the west, eight contain dwellings and seven have been assessed as rural-residential lifestyle properties. The property at 636 Sheffield Rd is mapped as 'constrained' in the LPSFAZ mapping due to its small size with a dwelling, which can also be described as a rural-residential lifestyle property. The enterprise scale analysis by RMCG does not however, automatically imply that the application of the Rural Zone is the most appropriate response. As discussed above, the Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As discussed above in relation to other representations, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to Devonport and close proximity to the arterial, Sheffield Road. Review of the predominantly residential land use pattern in this area raises concerns regarding the potential for incompatible uses to establish on these lots if the Rural Zone is applied. As discussed in regard to the representations above, there is, as yet, no strategic basis to provide for intensification. In the interests of fairness and equity, this property must be considered in conjunction with other representations relating to this locality and also the broader assessment undertaken by RMCG, which concludes that a number of titles in this locality, not all of which are the subject of representation, are properly described as a rural-residential 'lifestyle' scale or 'hobby scale' land use. The locality will however, form part of the strategic review into the role and location of rural residential land use in the municipality and region, either before, or as part of, the review of the Regional Land Use Strategy. This will investigate whether an expansion or intensification of the zone in this location is appropriate and justifiable. **Note:** A number of representations have raised issues with proposed Agriculture and Rural zoning at Acacia Hills and South Spreyton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land.

	This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for additional rural-residential opportunities. This necessitated a review of some of the proposed application of zoning to properties within the locality. The overall conclusions of this review for Acacia Hills and South Spreyton, that are reflected in the responses to representations and in consideration of the RMCG assessment, are outlined in Appendix 1 to this report. In regard to the property that is the subject of this representation, it is considered reasonable in the circumstances to apply the Rural Living Zone D, in recognition of the existing land use on the site and the land use pattern of the locality. Rural Living Zone D would prevent additional lots being created, yet appropriately reflects the rural-residential characteristics of the site and surrounding land, as described in the representation. **Figure 11: Draft LPS zoning and location of subject property.**

<table>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Sheffield Road and Gleadow Lane, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 30027/1, 26641/1, 160247/2, 35428/1, 112904/4, 30361/1, 181287/1, 181287/1, 160247/1, 177667/1, 30838/1
b) Apply the following Site-Specific Qualification to CT’s 177667/1 and 26441/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>496 Sheffield Rd
578 Sheffield Rd</td><td>26441/1
177667/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.

P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table></td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.
The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.
The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
<tr><td>Representation 33.</td><td>M Redpath – 566 Sheffield Rd, Acacia Hills</td></tr>
<tr><td>Matters Raised</td><td>Requests Rural Living Zone A on 3.1ha property instead of Agriculture Zone to enable future provision of a lot for family.</td></tr>
<tr><td>Consideration of Merits</td><td>The property is part of same grouping discussed in response to representation 29 above.</td></tr>
</table>

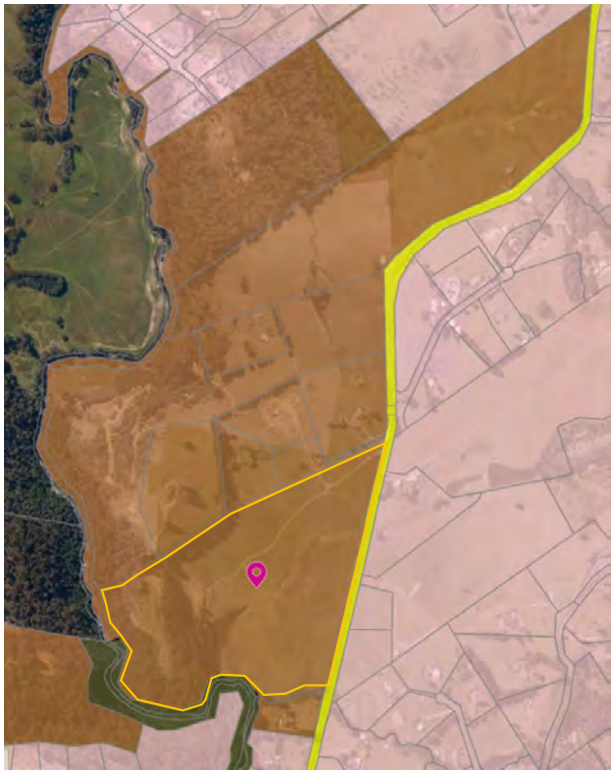
	Submissions regarding low to negligible agricultural productivity are generally accepted and agreed. This position relies upon the broader agricultural assessment of the grouping of titles undertaken by RMCG, included at Appendix 2 together with the State LPSFAZ mapping for one, 1ha title at 636 Sheffield Rd at the southern edge of the cluster. The analysis by RMCG of this western part of Acacia Hills/South Spreyton concludes that this grouping of titles can reasonably be regarded as either 'lifestyle scale' properties, where there is little to no relevance for primary production or 'hobby scale' properties, whereby the property is not a viable scale of itself and only capable of minor returns. Of the ten title grouping that is bound Rural Living zoning to the north, south and east and the Don River to the west, eight contain dwellings and seven have been assessed as rural-residential lifestyle properties. The property that is the subject of the representation is classified as 'lifestyle scale'. The enterprise scale analysis by RMCG does not however, automatically imply that the application of the Rural Zone is the most appropriate response. As discussed above, the Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As discussed above in relation to other representations, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to Devonport and close proximity to the arterial, Sheffield Road. Review of the predominantly residential land use pattern in this area raises concerns regarding the potential for incompatible uses to establish on these lots if the Rural Zone is applied. As discussed in regard to the representations above, there is, as yet, no strategic basis to provide for intensification. Whilst submissions in regard to the opportunity for rural-residential areas to support options for future housing for family are acknowledged, in the interests of fairness and equity, this property must be considered in conjunction with other representations relating to this locality. The locality will however, form part of the strategic review into the role and location of rural residential land use in the municipality and region, either before, or as part of, the review of the Regional Land Use Strategy. This will investigate whether an expansion or intensification of the zone in this location is appropriate and justifiable to provide additional housing. **Note:** A number of representations have raised issues with proposed Agriculture and Rural zoning at Acacia Hills and South Spreyton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for additional rural-residential opportunities. This necessitated a review of some of the proposed application of zoning to properties within the locality. The overall conclusions of this review for Acacia Hills and South Spreyton, that are reflected in the responses to representations and in consideration of the RMCG assessment, are outlined in Appendix 1 to this report.

	In regard to the property that is the subject of this representation, it is considered reasonable in the circumstances to apply the Rural Living Zone D, in recognition of the existing land use on the site and the land use pattern of the locality. Rural Living Zone D would prevent additional lots being created, yet appropriately reflects the rural-residential characteristics of the site, as described in the representation.  **Figure 12: Draft LPS zoning and location of subject property.**

<table>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Sheffield Road and Gleadow Lane, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 30027/1, 26641/1, 160247/2, 35428/1, 112904/4, 30361/1, 181287/1, 181287/1, 160247/1, 177667/1, 30838/1
b) Apply the following Site-Specific Qualification to CT’s 177667/1 and 26441/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>496 Sheffield Rd
578 Sheffield Rd</td><td>26441/1
177667/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.

P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table>
</td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.
The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.
The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
<tr><td>Representation 39.</td><td>P Stevenson & S Collins – 578 Sheffield Rd, Acacia Hills</td></tr>
<tr><td>Matters Raised</td><td>Requests Rural Living Zone A on 19.96 ha property instead of Agriculture Zone to enable future provision of a lot for family.</td></tr>
<tr><td>Consideration of Merits</td><td>The property is part of same grouping discussed in response to representations 29 and 33 above.</td></tr>
</table>

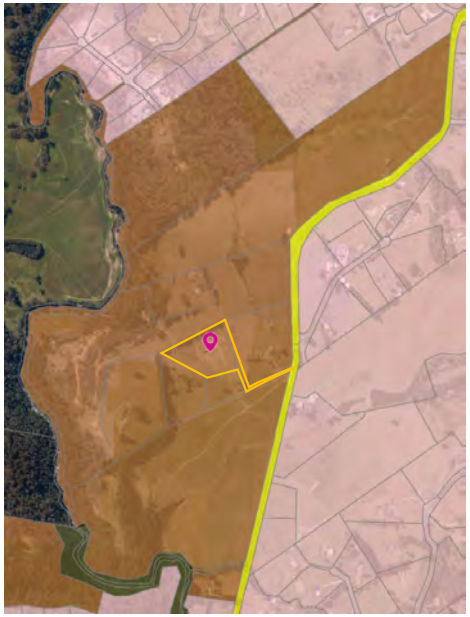
	Submissions regarding low to negligible agricultural productivity are generally accepted and agreed. This position relies upon the broader agricultural assessment of the grouping of titles undertaken by RMCG, included at Appendix 2 together with the State LPSFAZ mapping for one, 1ha title at 636 Sheffield Rd at the southern edge of the cluster. The analysis by RMCG of this western part of Acacia Hills/South Spreyton concludes that this grouping of titles can reasonably be regarded as either 'lifestyle scale' properties, where there is little to no relevance for primary production or 'hobby scale' properties, whereby the property is not a viable scale of itself and only capable of minor returns. Of the ten title grouping that is bound Rural Living zoning to the north, south and east and the Don River to the west, eight contain dwellings and seven have been assessed as rural-residential lifestyle properties. The property that is the subject of the representation is classified as 'hobby scale'. The enterprise scale analysis by RMCG does not however, automatically imply that the application of the Rural Zone is the most appropriate response. As discussed above, the Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As discussed above in relation to other representations, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to Devonport and close proximity to the arterial, Sheffield Road. Review of the predominantly residential land use pattern in this area raises concerns regarding the potential for incompatible uses to establish on these lots if the Rural Zone is applied. As discussed in regard to the representations above, there is, as yet, no strategic basis to provide for intensification. Whilst submissions in regard to the opportunity for rural-residential areas to support options for future housing for family are acknowledged, in the interests of fairness and equity, this property must be considered in conjunction with other representations relating to this locality. The locality will however, form part of the strategic review into the role and location of rural residential land use in the municipality and region, either before, or as part of, the review of the Regional Land Use Strategy. This will investigate whether an expansion or intensification of the zone in this location is appropriate and justifiable to provide additional housing. **Note:** A number of representations have raised issues with proposed Agriculture and Rural zoning at Acacia Hills and South Spreyton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for additional rural-residential opportunities. This necessitated a review of some of the proposed application of zoning to properties within the locality. The overall conclusions of this review for Acacia Hills and South Spreyton, that are reflected in the responses to representations and in consideration of the RMCG assessment, are outlined in Appendix 1 to this report.

	In regard to the property that is the subject of this representation, it is considered reasonable in the circumstances to apply the Rural Living Zone D, in recognition of the existing land use on the site and the land use pattern of the locality. However, the title size would enable one additional lot to be created by subdivision. Therefore, it is recommended that a site-specific qualification be applied to prevent further subdivision until such time as the strategic planning for the locality is updated.  **Figure 13: Draft LPS zoning and location of subject property.**

<table>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Sheffield Road and Gleadow Lane, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 30027/1, 26641/1, 160247/2, 35428/1, 112904/4, 30361/1, 181287/1, 181287/1, 160247/1, 177667/1, 30838/1
b) Apply the following Site-Specific Qualification to CT’s 177667/1 and 26441/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>496 Sheffield Rd
578 Sheffield Rd</td><td>26441/1
177667/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.

P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table>
</td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.
The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.
The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
<tr><td>Representation 40.</td><td>P Stevenson & S Collins – 570 Sheffield Rd, Acacia Hills</td></tr>
<tr><td>Matters Raised</td><td>Requests Rural Living Zone A on 2ha property instead of Agriculture Zone to enable future provision of a lot for family.</td></tr>
<tr><td>Consideration of Merits</td><td>The property is part of same grouping discussed in response to representations 29, 33 and 39 above.</td></tr>
</table>

	Submissions regarding low to negligible agricultural productivity are generally accepted and agreed. This position relies upon the broader agricultural assessment of the grouping of titles undertaken by RMCG, included at Appendix 2 together with the State LPSFAZ mapping for one, 1ha title at 636 Sheffield Rd at the southern edge of the cluster. The analysis by RMCG of this western part of Acacia Hills/South Spreyton concludes that this grouping of titles can reasonably be regarded as either 'lifestyle scale' properties, where there is little to no relevance for primary production or 'hobby scale' properties, whereby the property is not a viable scale of itself and only capable of minor returns. Of the ten title grouping that is bound Rural Living zoning to the north, south and east and the Don River to the west, eight contain dwellings and seven have been assessed as rural-residential lifestyle properties. The property that is the subject of the representation is classified as 'lifestyle scale'. The enterprise scale analysis by RMCG does not however, automatically imply that the application of the Rural Zone is the most appropriate response. As discussed above, the Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As discussed above in relation to other representations, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to Devonport and close proximity to the arterial, Sheffield Road. Review of the predominantly residential land use pattern in this area raises concerns regarding the potential for incompatible uses to establish on these lots if the Rural Zone is applied. The lot is clearly a component of a prior subdivision of a larger parcel, however as discussed in regard to the representations above, there is, as yet, no strategic basis to provide for intensification. Whilst submissions in regard to the opportunity for rural-residential areas to support options for future housing for family are acknowledged, in the interests of fairness and equity, this property must be considered in conjunction with other representations relating to this locality. The locality will however, form part of the strategic review into the role and location of rural residential land use in the municipality and region, either before, or as part of, the review of the Regional Land Use Strategy. This will investigate whether an expansion or intensification of the zone in this location is appropriate and justifiable to provide additional housing. **Note:** A number of representations have raised issues with proposed Agriculture and Rural zoning at Acacia Hills and South Spreyton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for additional rural-residential opportunities.

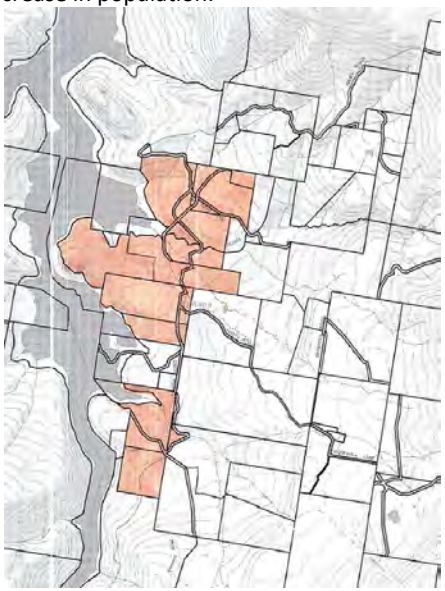
	This necessitated a review of some of the proposed application of zoning to properties within the locality. The overall conclusions of this review for Acacia Hills and South Spreyton, that are reflected in the responses to representations and in consideration of the RMCG assessment, are outlined in Appendix 1 to this report. In regard to the property that is the subject of this representation, it is considered reasonable in the circumstances to apply the Rural Living Zone D, in recognition of the anticipated land use for a dwelling and the land use pattern of the locality. Rural Living Zone D will facilitate the construction of a dwelling on the title.  **Figure 14: Draft LPS zoning and location of subject property.**

<table>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Acacia Hills and South Spreyton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Sheffield Road and Gleadow Lane, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 30027/1, 26641/1, 160247/2, 35428/1, 112904/4, 30361/1, 181287/1, 181287/1, 160247/1, 177667/1, 30838/1
b) Apply the following Site-Specific Qualification to folios of the register 177667/1 and 26441/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>496 Sheffield Rd
578 Sheffield Rd</td><td>26441/1
177667/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.

P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table>
</td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Acacia Hills & South Spreyton and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.

The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
</table>

RURAL LIVING ZONE – Lorinna	
Representation 5.	**Annie Willock obo Lorinna residents (14)**
Matters Raised	Request Rural Living zoning for 20 rural-residential properties along Lorinna Rd instead of Rural Zone – area submitted shown in extract from representation below. Submits that the area is suitable for a small increase in population.  **Figure 15: Extract from representation.**
Consideration of Merits	It is noted that this representation relates to properties subject to representations 24 and 28. The area has been excluded from the State LPSFAZ mapping with the area displaying clear, contiguous rural-residential characteristics as all contain dwellings/community facilities, apart from one title. The largest title (representation 28) is mostly covered by a conservation covenant.

	The Rural Living Zone is described in the Section 8A Guideline as being appropriate for "*residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity*". This is an accurate description of the grouping of properties at Lorinna. It is noted that a lack of contemporary planning for an area should not preclude the application of the Rural Living Zone, simply because the prior planning scheme had not sufficiently recognised existing land use characteristics, noting that the previous Rural Resource Zone in the Interim Planning Schemes contained provisions that were performance based and were far more flexible than those of the TPS. The CCRLUS recognises that there are a number of areas throughout the region where rural-residential land use patterns require formal designation, so as to properly plan for their future. Lorinna is one such area. A more holistic review of the land use pattern in the area is reasonably consistent with the submissions in the representation. Given the density of rural-residential land use in the area, as discussed for other rural-residential localities, there is substantive risk of incompatible, industrial type land uses establishing unfettered in the Rural Zone. As such, it is considered that the request has merit, however intensification to provide for additional lots to be created cannot be supported. The location does not have proximity to services and infrastructure would likely need substantive upgrade to meet the bushfire standard for additional residents. It is considered appropriate to maintain the status-quo and provide for the normal activities of a rural-residential area through the Rural Living Zone D. The properties at 928 and 950 Lorinna Rd have an area that would enable the creation of potentially 4 additional lots (noting that the conservation covenant on No.928 will likely preclude this). As such it is considered appropriate that lots are subject to a site-specific qualification preventing the creation of additional lots by subdivision. The recommendation below reflects the consideration of the locality, inclusive of other representations and also the location of Council land and a Crown road reserve, which is partly a historic cemetery and mostly forest to the edge of Lake Cethana. Given potential for public use, it is considered that the most appropriate zone for the public land is Open Space Zone. Figure 16 below shows the recommended zoning of the area, inclusive of representations 24 and 28.

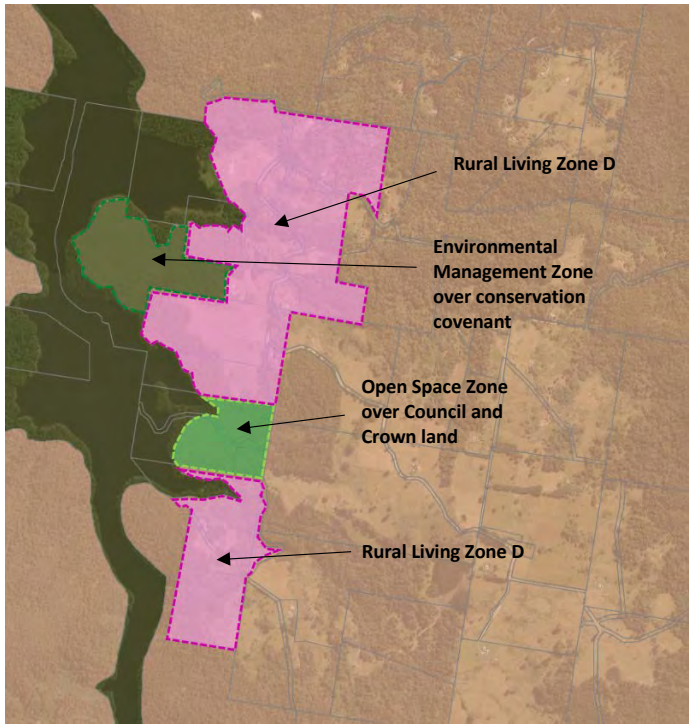


Figure 16: Recommended modification of zoning at Lorinna

<table>
<tr><td>Recommendation</td><td>It is recommended that the draft LPS is modified as follows:
1. The following folios of the register are zoned Rural Living Zone D:
241806/1; 17787/1; 244013/1; 25105/1; 25296/1; 19435/1; 17787/2; 46721/1; 46655/1; 13461/1; 179434/1; 179434/2; 168850/1; 238257/1; 201522/1; 128686/1; 238258/1; 127262/2; 29467/1) and 127262/1;
2. Folio of the register 168850/1 is zoned Environmental Management Zone over that part of the land under conservation covenant;
3. Folios of the register 243410/1, 155080/1 and Crown road reserve are zoned Open Space Zone;
4. Apply the following Site-Specific Qualification to folios of the register 168850/1 and 238257/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>928 Lorinna Rd
950 Lorinna Rd</td><td>168850/1
238257/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.
P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table>
</td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Lorinna and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.

The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
</table>

RURAL LIVING ZONE – Nook	
Representation 36.	**N & A Maddick – 44 Jarmans Rd, Nook**
Matters Raised	Submits for Rural Living zoning for the Nook locality, including the representor's property at No. 44 Jarmans Rd, due to the area being initially subdivided and developed for rural-residential purposes. Representation notes that residents have been attracted to Kentish due to the availability of rural lifestyle lots and that provisions of additional lots can address current housing shortages.
Consideration of Merits	This representation also relates to representation 51 in relation to the quarry to the north of Nook. It is noted that the rural-residential area described at Nook is proposed for Rural Zone, not Agriculture Zone. There are two distinctive clusters of rural-residential uses, created relatively recently through purposely subdivided land to the north and south of Nook. Most of the lots contain dwellings. These clusters are clearly evident in the State LPSFAZ mapping shown in Figure 18 below. The southern extent off Jarmans Rd is complicated by plantation forestry resources in a PTR over two lots, which is a prohibited use in the RLZ. The northern extent off Morgan Rd is adjacent to the a quarry, which has made Representation 51. The Rural Living Zone is described in the Section 8A Guideline as being appropriate for "*residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity*". This is an accurate description of the grouping of properties at Nook, with the exception of the two lots that are under PTR. It is noted that a lack of contemporary planning for an area should not preclude the application of the Rural Living Zone, simply because the prior planning scheme had not sufficiently recognised existing land use characteristics, noting that the previous Rural Resource Zone in the Interim Planning Schemes contained provisions that were performance based and were far more flexible than those of the TPS. The CCRLUS recognises that there are a number of areas throughout the region where rural-residential land use patterns require formal designation, so as to properly plan for their future. Nook is one such area. Proximity to the quarry however, does require further consideration. The northern most lots have a depth of approximately 180m and the quarry face is approximately 70m from the shared boundary. The area is subject to the attenuation area overlay around the quarry for a distance of 1 kilometre. Under the provisions of the Attenuation Code, irrespective of the zone type, any sensitive use must not interfere with or constrain the operation of the quarry. Somewhat ironically, in addition, the Rural Living Zone has stronger provisions relating to consideration of potential impacts on established uses in any adjoining Rural Zones, where the 200m setback cannot be met, than in the Rural Zone itself, which only considers potential conflict with adjoining agricultural zoning and uses. Rural zoning

would only rely on the provisions of the Attenuation Code when considering dwellings, whereas Rural Living zoning would apply both the Attenuation Code and the performance criteria relating to dwelling setbacks.

The northern lots require careful consideration prior to the approval of any dwellings on those lots (noting that this was clearly the intent of the original subdivision) and this is best served by the application of the Rural Living Zone. The area is not supported for intensification at this stage however, as the area has not been assessed for the adequacy of infrastructure or potential impacts on rural resource activities in the area, particularly that further intensification within the attenuation distance of the quarry is not sound strategic planning. It is considered appropriate however, to maintain the status-quo and provide for the normal activities of a rural-residential area through the Rural Living Zone D.

Figure 17 below outlines the area recommended for application of Rural Living Zone D.

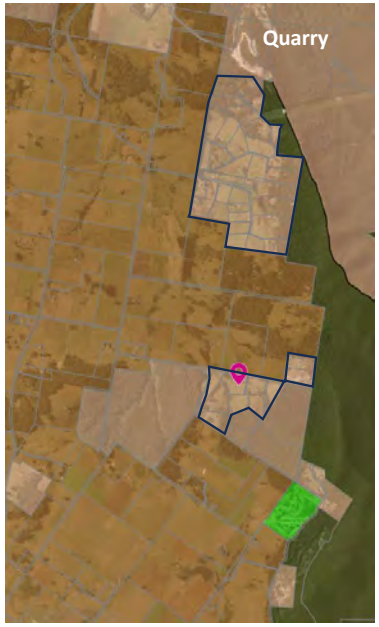


Figure 17: LPS zoning and outline of subject properties.

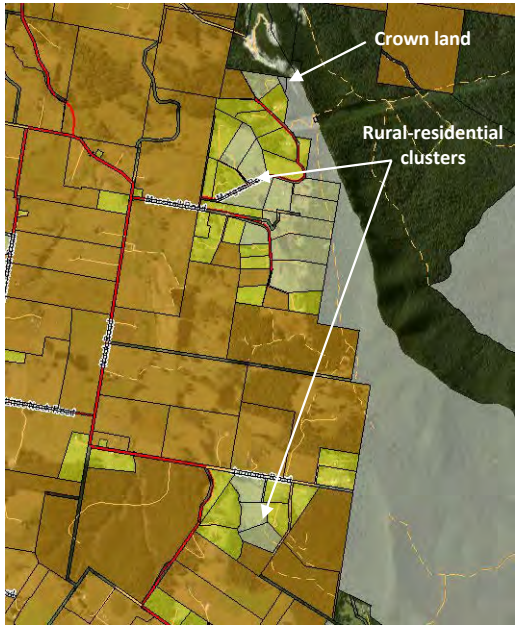


Figure 18: State LPSFAZ map and location of subject property

Recommendation	It is recommended that the draft LPS is modified as follows: 1. The following folios of the register are zoned Rural Living Zone D: 122715/1, 122715/10, 122715/9, 122715/8, 122715/12, 122715/13, 122715/7, 122715/6, 122715/5, 122715/14, 122715/4, 122715/3, 122715/2, 11355/1, 122715/1, 108438/1, 108438/2, 108438/6, 108438/8, 108438/9, 108438/10, 108438/11, 108438/7, 108438/5, 108438/4, , 108438/3, 117229/1, 117229/2, 117229/6, 117229/3, 117229/4, 117229/5, 53213/1, 53213/2, 100228/3, 100228/2, 100228/4, 100228/5, 100228/1, 100228/6, 100228/7 and 100542/1. 2. The small adjoining parcel of Crown land is zoned Environmental Management Zone.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
RURAL LIVING ZONE - Railton	
Representation 1.	**A & L Taylor – 24 Ramsay Rd, Railton**
Matters Raised	Request Rural Living Zone A over 5ha title instead of Rural Zone. Representation submits that the property is used for rural-residential purposes.
Consideration of Merits	Submissions regarding the residential characteristics of the lots are generally accepted. The property is part of a group of titles to western side of the Railton settlement that are identified as constrained or are omitted from the State LPSFAZ mapping. In analysing lot land characteristics in this area in response to a number of representations, RMCG were engaged to undertaken an agricultural assessment of some additional adjoining titles displaying the same characteristics that are proposed to be included in the Agriculture Zone, to determine of the rural-residential land use pattern extended further than the proposed Rural zoning in the Draft LPS. The RMCG assessment is included at Appendix 2 of this report. Figure 19 below outlines the subject property in blue in the context of the State LPSFAZ mapping and also outlines in pink, the additional titles assessed by RMCG. The RMCG assessment classifies that group of titles as a 'lifestyle scale' and 'hobby scale' properties, reinforcing their rural-residential nature or context. When considered together, the titles identified as constrained in the State LPSFAZ mapping together with the RMCG assessed titles indicates a clear rural-residential land use pattern to the western side of Railton. The enterprise scale analysis by RMCG and a 'constrained' classification in the State LPSFAZ mapping does not however, automatically imply that the application of the Rural Zone is the most appropriate response. The Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As discussed above in relation to other representations, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of

	particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to the urban area of Railton and close proximity to the arterial, Sheffield Road/Foster Street. Review of the predominantly residential land use pattern in this area raises concerns regarding the potential for incompatible uses to establish on these lots if the Rural Zone is applied. The Rural Living Zone is described in the Section 8A Guideline as being appropriate for "*residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity*". This is an accurate description of properties to the western side of Railton which have now been objectively assessed for rural capability. The Rural Living Zone is the appropriate zoning for this grouping of titles. It is noted that a lack of contemporary strategic planning for an area should not preclude the application of the Rural Living Zone, simply because the prior planning scheme had not sufficiently recognised existing land use characteristics, noting that the previous Rural Resource Zone in the Interim Planning Schemes contained provisions that were performance based and were far more flexible than those of the TPS. Similarly the CCRLUS is now 10 years old without amendment and is significantly outdated in providing relevant guidance for appropriate application of TPS zones. Whilst Rural Living zoning can act as an impediment to urban settlement expansion, at this stage it is unknown what expansion capability exists to the western side of the General Residential zoning of the urban centre. Taswater mapping of sewer serviceable land appears to be inaccurate in this location, however detailed investigations and updated strategic planning for land demand and supply has yet to be undertaken. As such, zoning must reflect a 'best fit' approach to the available zones under the TPS. However, this must be done in a way that does not preclude or impede the evolution of the urban settlement, nor allow unfettered establishment of uses that will be incompatible with a residential area, whether that is urban or low density in character.

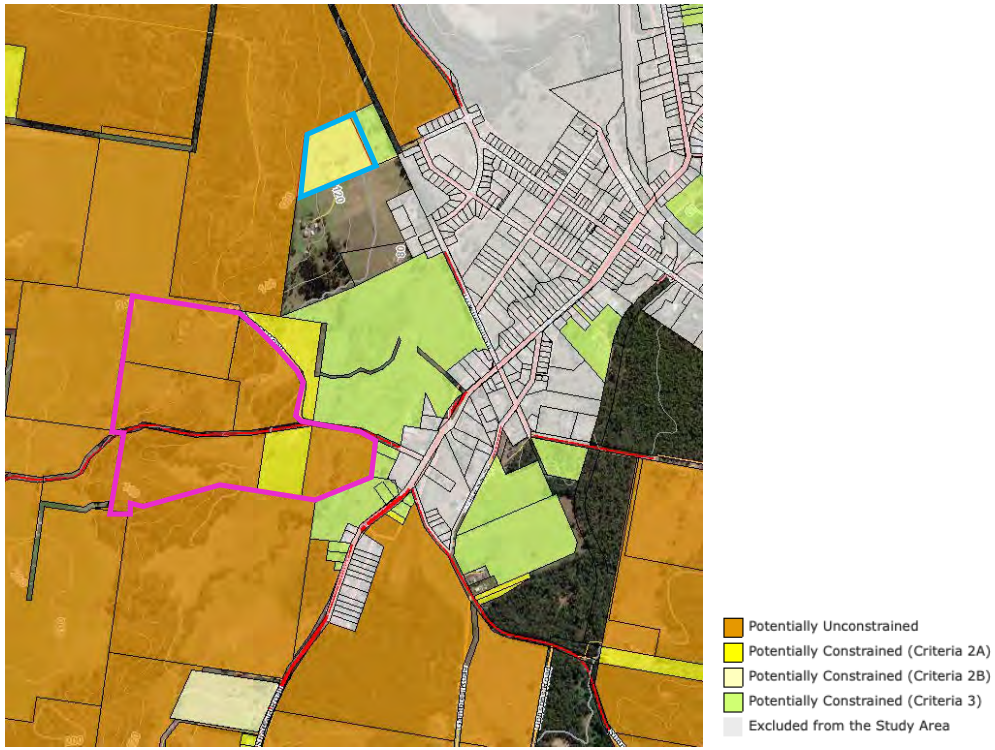


Figure 19: Subject property and RMCG assessed titles over the State LPSFAZ mapping

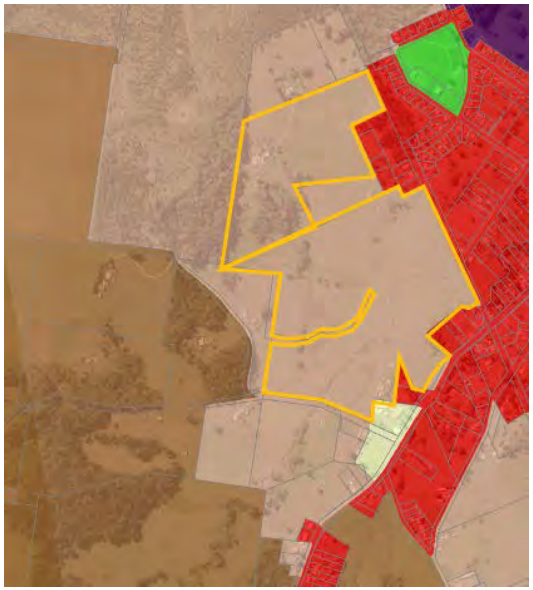
It is considered premature to provide for additional residential lot yield until such time as the area can be more comprehensively investigated, including matters relating to accurately determining the extent of gravity servicing, access and road connectivity, flood hazard from watercourses etc. together with a better appreciation of the demand and supply of land and the housing mix for the settlement.

It is considered that the Rural Living Zone provides appropriate recognition of the residential environment and prevents some of the inappropriate uses allowable under the Rural Zone that would not have tests of locational appropriateness. Application of Rural Living

	Zone D to the properties to western side of the settlement will prevent further subdivision of those lots until more detailed investigations can be carried out in regard to serviceability and appropriate structure planning can be undertaken relating to housing types, population and density, commercial opportunity, road and pedestrian connectivity etc. Consistent with the approach to other areas in the Railton settlement this places the lots in a 'holding pattern' until the more detailed work and consultation with the community can be undertaken and eliminates the risk of strategic objectives for the future being obstructed by incompatible use and development. **Note:** A number of representations have raised issues with Rural zoning at Railton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the settlement to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for emerging opportunities or to be able to justify localised provisions at this stage under s.32(4) of the LUPAA. This necessitated a review of some of the proposed application of zoning to particular areas within the township. The overall conclusions of this review for Railton, that are reflected in the responses to representations, are outlined in Appendix 1 to this report.
Recommendation	1. It is recommended that the draft LPS is modified for the Railton locality as indicated in Appendix 1. 2. It is recommended that, specifically in the vicinity of Ramsay Road, Dowbiggen St, Hamilton Rd, New Bed Rd and Foster St, the LPS is modified as follows: a) Apply the Rural Living Zone D to folios of the register 38890/1, 39051/1, 159414/2, 159414/1, 34958/1, 24362/1, 243980/1, 243983/1, 243984/1, 245358/1, 30100/1, 5316/1, 37376/1, 37376/2, 36209/1, 36205/1 b) Apply the following Site-Specific Qualification to folio of the register 34958/1:

Reference Number	Site Reference	Folio of the Register	Description	Relevant Clause in State Planning Provisions
KEN-11.1	8 New Bed Rd	34958/1	In substitution for the relevant clause: **A1** Subdivision does not create additional lots. **P1** No Performance Criterion	11.5.1 Lot Design A1 and P1

Effect on Draft LPS as a Whole	The recommended modifications relate to narrow circumstances within the Railton settlement and do not affect the draft LPS as a whole.
LPS Criteria	The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning. The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act. The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.
Representation 37.	**N. Gerke – 8 New Bed Rd, Railton**
Matters Raised	Requests Rural Living Zone A as the property is used for rural-residential purposes. Defers to the content of representation 52, submitted on behalf of the landowner.
Consideration of Merits	Submissions regarding the residential characteristics of the lots are generally accepted. Refer to consideration of representation 52 below for detailed consideration of merits.
Recommendation	Refer to representation 52 below.
Effect on Draft LPS as a Whole	Refer to representation 52 below.
LPS Criteria	Refer to representation 52 below.
Representation 52.	**Veris obo N Gerke & P Gerke – 8 New Bed Rd and Ramsay Rd, Railton**
Matters Raised	Requests Rural Living Zone A instead of Rural Zone over two titles of 14.95ha and 29.5ha. Submission notes: - that the draft LPS zoning is likely a transitioning issue and that the characteristics of the cluster of titles in this area are residential in nature. - that these titles are either omitted or mapped as constrained in the State LPSFAZ mapping. - the potential for industrial type uses under the Rural Zone that would be attracted to the proximity to Cement Australia, which would risk land use conflict with existing rural-residential land use - development for rural-residential development would address an identified lack of this housing type at Railton in prior strategic work and protect the residential amenity of the area.

Consideration of Merits	Submissions regarding the residential characteristics of the lots are generally accepted and these lots are part of the grouping discussed in response to representation 1 above. It is agreed that this area constitutes a distinct cluster of rural-residential properties that meets the definition of the Rural Living Zone in the Section 8A Guideline. It is also agreed, as discussed above, that Rural zoning poses a substantive risk to the future provision of rural-residential and urban housing choice in the settlement, as the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to the urban area of Railton and close proximity to the arterial, Sheffield Road/Foster Street, which provides close access to Cement Australia as noted in the representation. Other nearby properties are considered in the RMCG assessment, included at Appendix 2 of this report. Figure 20 below outlines the subject properties over the draft LPS zone mapping.  **Figure 20: Draft LPS zoning and location of subject property.**

	Rural Living Zone A would provide for approximately 32 additional lots to be created through subdivision. As discussed above in response to other representations, it is considered premature to provide for additional residential lot yield until such time as the area can be more comprehensively investigated, including matters relating to accurately determining the extent of gravity servicing, access and road connectivity, flood hazard from watercourses etc. together with a better appreciation of the demand and supply of land and the housing mix for the settlement. It is considered that the Rural Living Zone provides appropriate recognition of the residential environment and prevents some of the inappropriate uses allowable under the Rural Zone that would not have tests of locational appropriateness. Application of Rural Living Zone D to the properties to western side of the settlement, will prevent further subdivision of those lots until more detailed investigations can be carried out in regard to serviceability and appropriate structure planning can be undertaken relating to housing types, population and density, commercial opportunity, road and pedestrian connectivity etc. Rural Living Zone D would potentially provide for an additional 2 lots to be created, which could constrain future densification of the land should further strategic analysis indicate that additional lot supply is warranted. Therefore, it is recommended that a site-specific qualification be applied to prevent further subdivision until such time as the strategic planning for the locality is updated. Consistent with the approach to other areas in the Railton settlement this places the lots in a 'holding pattern' until the more detailed work and consultation with the community can be undertaken and eliminates the risk of strategic objectives for the future being obstructed by incompatible use and development.

<table>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Railton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Ramsay Road, Dowbiggen St, Hamilton Rd, New Bed Rd and Foster St, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 38890/1, 39051/1, 159414/2, 159414/1, 34958/1, 24362/1, 243980/1, 243983/1, 243984/1, 245358/1, 30100/1, 5316/1, 37376/1, 37376/2, 36209/1, 36205/1
b) Apply the following Site-Specific Qualification to folio of the register 34958/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>8 New Bed Rd</td><td>34958/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.
P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table></td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the Railton settlement and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.

The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
<tr><td>Representation 53.</td><td>Veris obo R Blenkhorn & M Blenkhorn – 1967 & 1969 Railton Rd, Railton</td></tr>
<tr><td>Matters Raised</td><td>Requests Rural Living Zone A over 41ha title at 1967 Railton Rd instead of Rural Zone.
Submission notes:
- that the draft LPS zoning is likely a transitioning issue from the Rural Resource Zone in the Interim Planning Scheme.
- that this title has been omitted from the State LPSFAZ mapping.
- The title has been identified for rural-residential development in the Railton Strategic Plan of 2017.
- Potential bushfire risk due to close proximity to the Railton urban area.</td></tr>
</table>

	- development for rural-residential development would address an identified lack of this housing type at Railton in prior strategic work and protect the residential amenity of the area.
Consideration of Merits	Submissions regarding the low capability of the lot for agriculture are generally accepted. It is agreed that this property is in a key strategic location as it is bound by urban residential land use to the north and west and rural-residential land to the north, south and east and consists of prominent, vegetated hills at the entrance to the town that are a visual component of townscape amenity. It is noted however, that the 2017 Railton Strategic Plan was only in draft form and was not endorsed by the Council. Earlier strategic work has identified that Railton is not well served by opportunity for rural-residential housing choice. However, to date, this matter has not been addressed in the context of the implementation of the TPS, the implications of the SPP's and the types of land use and development that is enabled by zones, or whether there is need to pursue localised provisions. As discussed above, Rural zoning poses a substantive risk to the future provision of rural-residential and urban housing choice in the settlement, as the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to the urban area of Railton. In addition, the zone enables industrial type uses in a location that may have a more important role in the town's future. Once those use establish, it is extremely difficult to correct at a later date. These risks are particularly relevant as the town develops a greater role as a tourism hub, due to the establishment of the new mountain biking trails. The RMCG report verifies that the property that is the subject of this representation is surrounded by either urban or 'lifestyle scale' and 'hobby scale' properties, noting that 64 Sykes Lane now contains a dwelling. As such, it is considered appropriate to apply the Rural Living Zone as a continuum of that land use pattern. Rural Living Zone A over 1967 Railton Rd would provide for approximately 29 additional lots to be created through subdivision. As discussed above in response to other representations, it is considered premature to provide for additional residential lot yield until such time as the area can be more comprehensively investigated, including matters relating to access and road connectivity, appropriate consideration of natural and visual values, bushfire hazard etc. together with a better appreciation of the demand and supply of land and the housing mix for the settlement. Application of Rural Living Zone D would potentially provide for an additional 4 lots to be created, which could constrain future planning for the land should further strategic analysis indicate that additional lot supply is warranted or that the land should managed in a particular way for townscape amenity. Therefore, it is recommended that a site-specific qualification be applied to prevent further subdivision until such time as the strategic planning for the locality is updated.

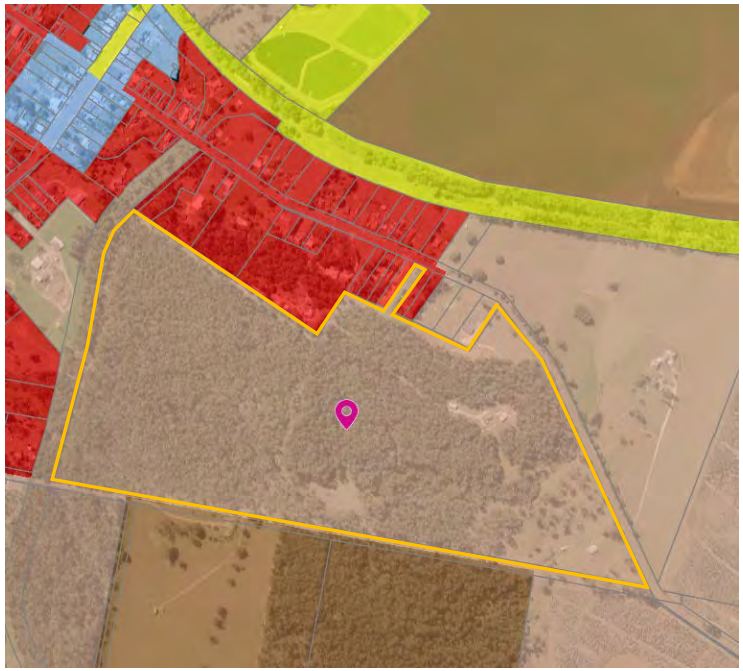


Figure 21: Draft LPS zoning and location of subject property.

Note: A number of representations have raised issues with Rural zoning at Railton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the settlement to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This necessitated a review of some of the proposed application of zoning to particular areas within the township.

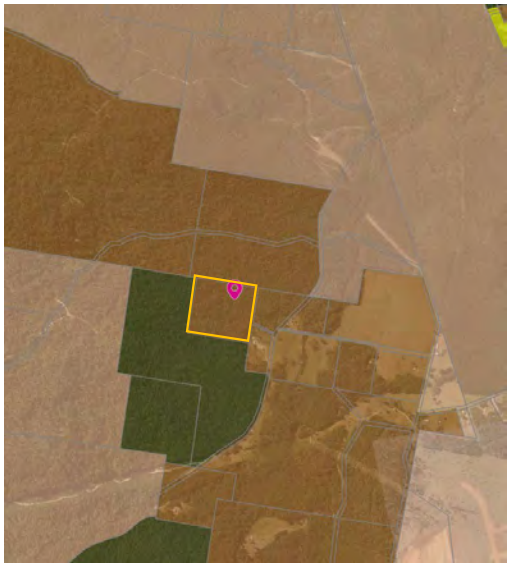
Analysis of this property also highlighted errors in the zoning of Council owned 'Sykes Sanctuary' and the Crown land, to the west and the Railton Cemetery. The Crown land and Sykes Sanctuary is vegetated and is a recreational trail between Kimberley Rd and Sunnyside Rd. Consistent with other public land used for passive recreation, this should be zoned Open Space Zone. Consistent with the zoning of other cemeteries, the Railton Cemetery should be zoned community purpose zone.

	In taking a consistent approach to zoning, the recommendation relies on the RMCG assessment which classifies 22 and 64 Sykes Lane and 91 Sunnyside Rd as a 'lifestyle scale' properties. These properties are distinctly rural-residential in nature, highly constrained for connectivity and should also be zoned Rural Living Zone D. As with 1967 Railton Rd, Rural Living Zone D would enable the creation of an additional 2 lots. It is recommended that a site-specific qualification also be applied to 64 Sykes Lane, to prevent further subdivision until such time as the strategic planning for the locality is updated. The overall conclusions of this review for Railton, are outlined in Appendix 1 to this report.
Recommendation	1. It is recommended that the draft LPS is modified for the Railton locality as indicated in Appendix 1. 2. It is recommended that, specifically in the vicinity of Railton Road, Kimberley Rd, Sykes Lane, Dowbiggen St, Leake St and Sunnyside Rd, the LPS is modified as follows: a) Apply the Rural Living Zone D to folios of the register 161000/2, 144609/1, 39885/1, 40910/1, 10587/1, 231437/1, 216674/1, 222199/1, 16926/1, 241584/1, 12598/1, 50165/1 and 220291/1. b) Apply the Open Space Zone to the Crown Land between Kimberley Rd and Sykes Lane and Council owned 231438/1, 202450/1 and 155079/1. c) Apply the Community Purpose Zone to the Railton Cemetery 136154/1. d) Apply the following Site-Specific Qualification to the folios of the register 144609/1 and 238727/1:

Reference Number	Site Reference	Folio of the Register	Description	Relevant Clause in State Planning Provisions
KEN-11.1	1967 Railton Rd 64 Sykes Lane	144609/1 238727/1	In substitution for the relevant clause: **A1** Subdivision does not create additional lots. **P1** No Performance Criterion	11.5.1 Lot Design A1 and P1

Effect on Draft LPS as a Whole	The recommended modifications relate to narrow circumstances within the Railton settlement and do not affect the draft LPS as a whole.
LPS Criteria	The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning. The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

	The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.
Representation 54.	**Veris obo Sushames – 88 Dallys Rd, Railton**
Matters Raised	Requests Rural Living Zone A over 11ha property plus other adjoining rural residential land to avoid spot zoning. Soil assessment provided, including some tree condition assessment. Submission cites lack of productivity due to lack of connectivity and current low value forest plantation. Representation notes established rural-residential character of adjoining properties. Property adjoined to the west by Bonney's Tier Regional Reserve managed by Parks & Wildlife Service.
Consideration of Merits	Rural Living zoning is not supported in this location. There are 6 established dwellings on Youngmans Road and Dallys Road plus a number of small to medium sized, undeveloped parcels that have variable degrees of land clearance and use for pasture. It is considered that this is not a discernible cluster of rural residential land uses and the location is isolated from other developed areas of Railton. This is due to the large spatial extent of the Cement Australia quarry and processing facility immediately to the south of this location that also accesses Youngmans Rd. Whilst the soil and forest assessment does not meet the TPS requirements for an agricultural assessment to justify a different zone, it is clear that the land does not have agricultural capability and is constrained for connection to other larger holdings. The locality is dominated by large scale forestry and resource extraction activities which suggests that the Rural Zone may be a more appropriate zoning for the land, given the lack of rural-residential density. However, as yet, there is not sufficient assessment of agricultural capability of this locality to justify the application of a different zone in accordance with the Section 8A Guideline.

	 **Figure 22: Draft LPS zoning and location of subject property.**
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

RURAL ZONE	
Representation 9.	**B. Bakes - 21 Botts Road, Lorinna**
Matters Raised	Supports Rural zoning over property.
Consideration of Merits	Support is noted.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 19.	**G & C Bakes – Botts Road, Lorinna (PID 1718823)**
Matters Raised	Supports Rural zoning in Draft LPS. Currently zoned rural and wants to retain this zoning.
Consideration of Merits	Support is noted.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 24.	**J Scott and L Lily – 835 Lorinna Rd, Lorinna**
Matters Raised	Supports Rural zoning of property in Draft LPS as are in the process of setting up a commercial market garden and Rural zoning best supports this use.
Consideration of Merits	Relates to the grouping of titles discussed under Representation 5. The property is a 1.5 hectare title on Lorinna Rd, within a grouping of rural-residential properties. As discussed above, the grouping of rural-residential properties at Lorinna is substantial, most of which display lifestyle characteristics and the Rural Zone presents a substantive risk of industrial type uses being able to establish unfettered. As such, it is recommended that a number of properties at Lorinna are zoned Rural Living D Zone. It is noted that the Rural Living Zone provides for Resource Development use for horticulture as a discretionary use, with standards that consider the impacts of commercial operations on adjacent residential uses. These provisions would only apply at the point

where the horticultural operation is not ancillary to the residential use of the site. Given the number of dwellings in proximity, this is considered reasonable in the circumstances, noting that the standards do not preclude this use from operating.

Figure 23 below shows the recommended zoning modification for the area.

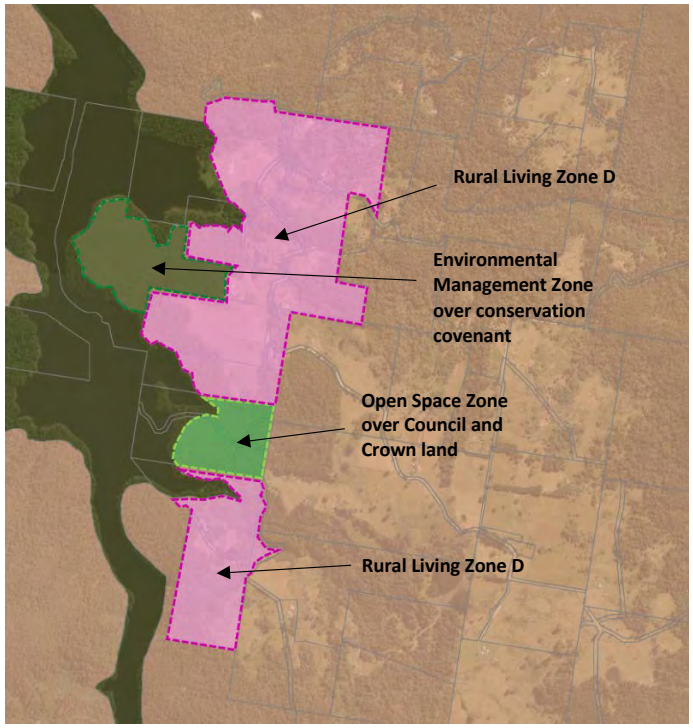
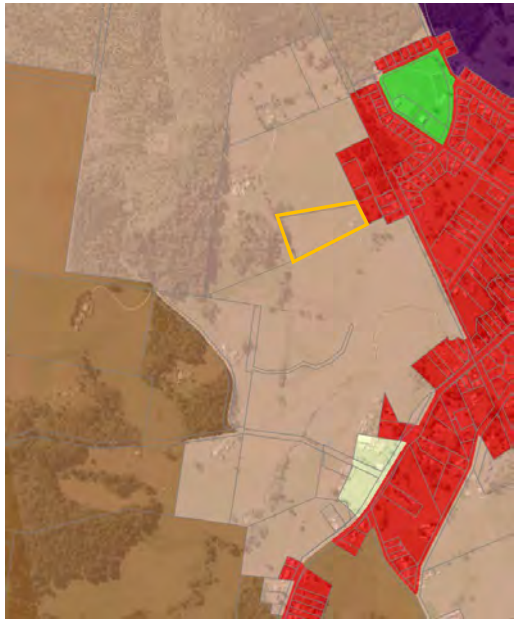


Figure 23: Recommended modification for zoning at Lorinna

<table>
<tr><td>Recommendation</td><td>It is recommended that the draft LPS is modified as follows:
1. The following folios of the register are zoned Rural Living Zone D: 241806/1; 17787/1; 244013/1; 25105/1; 25296/1; 19435/1; 17787/2; 46721/1; 46655/1; 13461/1; 179434/1; 179434/2; 168850/1; 238257/1; 201522/1; 128686/1; 238258/1; 127262/2; 29467/1) and 127262/1;
2. Folio of the register 168850/1 is zoned Environmental Management Zone over that part of the land under conservation covenant;
3. Folios of the register 243410/1, 155080/1 and Crown road reserve are zoned Open Space Zone;
4. Apply the following Site-Specific Qualification to folios of the register 168850/1 and 238257/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>928 Lorinna Rd
950 Lorinna Rd</td><td>168850/1
238257/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.
P1
No Performance Criterion</td><td>11.5.1 Lot Design A1 and P1</td></tr>
</table>
</td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Lorinna and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.

The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
</table>

Representation 11.	**B. Shone – 17 Dowbiggin St, Railton**
Matters Raised	Supports and prefers Rural zoning of 2.3ha property.
Consideration of Merits	Support is noted, however this property is part of the grouping of rural-residential uses to the western side of Railton, discussed in response to representations 1, 37 & 52. The recommendation is that this property, along with others to the western side of Railton, are zoned Rural Living Zone D. The property is one of a number of properties that are identified as constrained or are omitted from the State LPSFAZ mapping. Figure 24 below outlines the subject property in orange. As discussed above in regard to representations 1, 37 and 52, when considered together, there is a clear rural-residential land use pattern to the western side of Railton.  **Figure 24: Draft LPS zoning and location of subject property.** A lack of agricultural capability does not automatically imply that the application of the Rural Zone is the most appropriate response. The Rural Zone requires consideration of the types of uses that can establish under a permitted or discretionary status. As discussed

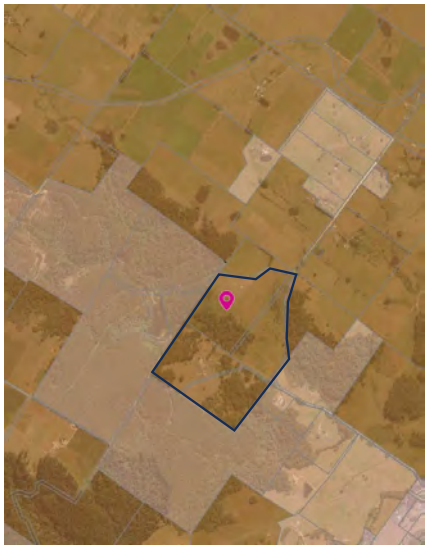
	above in relation to other representations, the zone enables a substantial number of industrial and commercial type uses, without consideration of the appropriateness of the location of particular uses in regard to areas that may have a residential character. This is also relevant to areas that may be sought due to a cost advantage over zoned industrial land, noting proximity of this locality to the urban area of Railton and close proximity to the arterial, Sheffield Road/Foster Street. Review of the predominantly residential land use pattern in this area raises concerns regarding the potential for incompatible uses to establish on these lots if the Rural Zone is applied. The Rural Living Zone is described in the Section 8A Guideline as being appropriate for "*residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity*". This is an accurate description of properties to the western side of Railton which have now been objectively assessed for rural capability. The Rural Living Zone is the appropriate zoning for this grouping of titles. It is considered that the Rural Living Zone provides appropriate recognition of the residential environment and prevents some of the inappropriate uses allowable under the Rural Zone that would not have tests of locational appropriateness. Application of Rural Living Zone D to the properties to western side of the settlement will prevent further subdivision of those lots until more detailed investigations can be carried out in regard to serviceability and appropriate structure planning can be undertaken relating to housing types, population and density, commercial opportunity, road and pedestrian connectivity etc. Consistent with the approach to other areas in the Railton settlement this places the lots in a 'holding pattern' until the more detailed work and consultation with the community can be undertaken and eliminates the risk of strategic objectives for the future being obstructed by incompatible use and development. **Note:** A number of representations have raised issues with Rural zoning at Railton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the settlement to provide for consistency, equity and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for emerging opportunities or to be able to justify localised provisions at this stage under s.32(4) of the LUPAA. This necessitated a review of some of the proposed application of zoning to particular areas within the township. The overall conclusions of this review for Railton, that are reflected in the responses to representations, are outlined in Appendix 1 to this report.

<table>
<tr><td>Recommendation</td><td>1. It is recommended that the draft LPS is modified for the Railton locality as indicated in Appendix 1.
2. It is recommended that, specifically in the vicinity of Ramsay Road, Dowbiggen St, Hamilton Rd, New Bed Rd and Foster St, the LPS is modified as follows:
a) Apply the Rural Living Zone D to folios of the register 38890/1, 39051/1, 159414/2, 159414/1, 34958/1, 24362/1, 243980/1, 243983/1, 243984/1, 245358/1, 30100/1, 5316/1, 37376/1, 37376/2, 36209/1, 36205/1
b) Apply the following Site-Specific Qualification to folio of the register 34958/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>8 New Bed Rd</td><td>34958/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.
P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table></td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the Railton settlement and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.
The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.
The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
<tr><td>Representation 20.</td><td>G & D Curtis – 9 Dogs Hollow Rd, Barrington</td></tr>
<tr><td>Matters Raised</td><td>Query meaning of discretionary in regard to building a dwelling.
Query where there is any impediment to building a dwelling under TPS.</td></tr>
<tr><td>Consideration of Merits</td><td>Proposed for Rural Zone. There is reasonable potential to construct a dwelling with ability to meet bushfire regulations.</td></tr>
<tr><td>Recommendation</td><td>It is recommended that the LPS is not modified in response to the representation.</td></tr>
</table>

Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 46.	**S Kager – Botts Rd, Lorinna PID 7839319**
Matters Raised	Query whether there is any impediment to building a dwelling under TPS.
Consideration of Merits	Proposed for Rural Zone. There is reasonable potential to construct a dwelling with ability to meet bushfire regulations.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 31.	**M & K Smithies – 125 Careys Rd, West Kentish**
Matters Raised	Requests Rural Zone over 0.6ha property instead of Agriculture Zone due to high levels of restriction on opportunities. Submission notes inconsistencies with other properties in the area that are zoned proposed Rural Zone.
Consideration of Merits	Submissions regarding inconsistency with the zoning of other properties in the West Kentish area are noted and generally agreed. The TPS implemented a suite of zones that provides for two zones that may be applied over productive rural areas, these being the Agriculture Zone and the Rural Zone. Both provide for primary industries, however information that supported the making of the SPP's (the suite of zones and the provisions they contain) described that the Rural Zone was envisaged for those areas that had large tracts of land that were not productive agriculture. Previously, the planning scheme considered the rural landscape in one Rural Resources Zone that applied a more performance based approach to the use and development of rural land, with a focus on protecting primary industries. The implementation of the TPS now requires that the productive rural landscape be divided into two zones, creating issues with many areas across rural Tasmania that do not neatly fit into the narrow perception of land use allocation that was envisaged in the structure drafting of the TPS. West Kentish is one such area. This is due to the highly diverse nature of property sizes and land uses which range from agriculture, forestry, tourism and residential. It is not possible for the planning authority to reconcile a zoning approach where the only options available are inconsistent, self-contradictory and in effect, impossible to justify. The State LPSFAZ mapping is of no assistance where the methodology only highlights a disparate land use pattern.

	The approach taken for the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping them as being constrained and where there was forestry being conducted under a PTR or in State forest. As a general rule of practice for planning regulation, 'spot zoning' of titles is generally avoided, unless a title is sufficiently large enough to warrant individual treatment, such as for schools, universities and hospitals. Zoning is typically a reflection of an aggregated land use pattern for the application of consistent rules for use and development. The property that is the subject of the representation is a stand-alone, previously excised residential title, that is surrounded by larger agricultural holdings. The property is indicated below in Figures 25 and 26. However, the distinction between Rural and Agriculture zoning provisions raised in the representation and the potential for disadvantage is correct. The Agriculture Zone does not readily provide (if at all) for additional uses where these are not related to a specific resource or value adding to an agricultural use on the site. Therefore, a non-agricultural property would be disadvantaged in regard to establishing compatible uses, such as visitor accommodation, despite this potentially directly supporting strategic objectives for an area. This may be an issue that will be addressed by the current State project that is underway, to review the SPPs. This issue has certainly been submitted to the State Government for consideration as part that review. Therefore, Council will not oppose requests for Rural zoning on non-agricultural (constrained) land that is reasonably distant from settlements, nor will Council provide the rationale or justification for aspects of the TPS that do not adequately function. This is not the local planning authority role. At the same time, Council will not support a zoning approach that applies the Rural Zone to all land mapped as constrained in the State LPSFAZ mapping, due to the perverse results that would eventuate. In consideration of the above, the recommendation will be a neutral 'not opposed' position.

	Figure 25: LPS zoning and location of subject property. **Figure 26: State LPSFAZ map and location of subject property**
Recommendation	The request for Rural Zone is not opposed.
Effect on Draft LPS as a Whole	The recommendation relates to a position taken by the planning authority due to the inability to logically reconcile aspects of the TPS.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria, to the extent possible.
Representation 48.	**S & E Worssam – 256 Careys Rd, West Kentish**
Matters Raised	Requests Rural Zone instead of Agriculture Zone due to mixed use nature of property as visitor accommodation and limited agricultural capability. The submission notes inconsistency of zoning in the locality. Includes extract from agricultural assessment.
Consideration of Merits	Submissions regarding inconsistency with the zoning of other properties in the West Kentish area are noted and generally agreed.

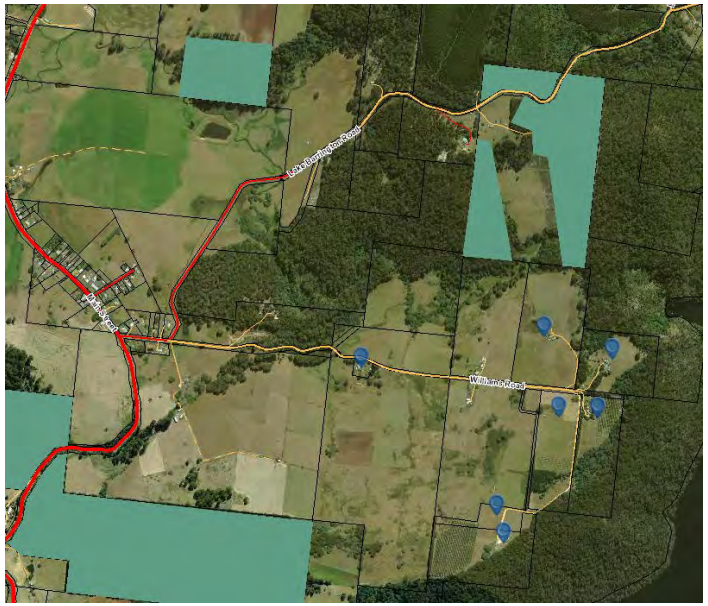
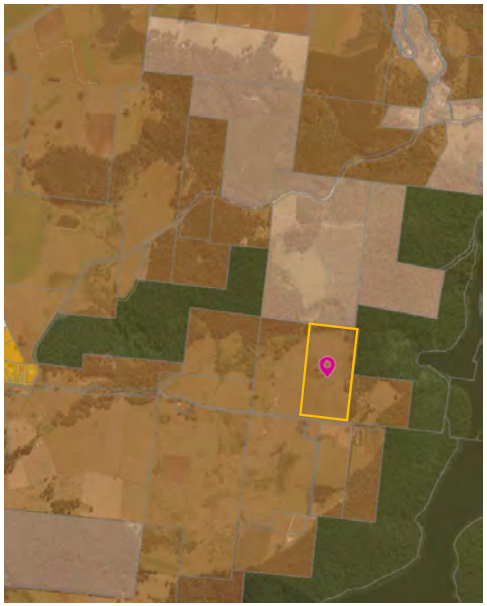
	Comments in response to representation 31 above are reiterated in that the Agriculture Zone disadvantages non-agricultural use properties. In this instance, the visitor accommodation use is established. The representation includes extracts from a previous assessment (presumably for the accommodation development) that describes the land as being constrained for commercial agriculture. Due to the location of this property, along with another rural-residential property to the south, being surrounded on three sides by Rural zoned forestry, the area was assessed by RMCG. The RMCG report is included at Appendix 2 of this report and concludes that these properties have 'lifestyle scale' characteristics. As such, it is reasonable to apply the Rural Zone to the three titles.  **Figure 27: LPS zoning and location of subject property and adjoining title assessed by RMCG.**
Recommendation	It is recommended that the LPS is modified to apply the Rural Zone to folios of the register 75122/1, 85177/1 and 51365/4.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

Representation 49.	**S & S Brattstrom – 62 Browns Rd, West Kentish**
Matters Raised	Requests Rural Zone over 5ha property instead of Agriculture Zone due to marginal agricultural capability. Submits that the intention is to develop visitor accommodation. Notes inconsistency of zoning in the locality and that similar properties with larger areas of grazing are proposed to be zoned Rural Zone. . No qualified agricultural assessment provided.
Consideration of Merits	Council's position reiterates comments in response to representation 31 above. However, it is noted that the State LPSFAZ mapping classifies this property as 'potentially unconstrained' for agriculture. The Section 8A Guideline under AZ6(e) states that potentially unconstrained land can be considered for alternate zoning where "*it can be demonstrated that:* *(i) 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;* *(ii) there are significant constraints to agricultural use occurring on the land; or* *(iii) the Agriculture Zone is otherwise not appropriate for the land."* The representors may wish to obtain a qualified agricultural assessment to submit to the hearing process. Submissions regarding inconsistency with the zoning of other properties in the West Kentish area are noted and generally agreed. The TPS implemented a suite of zones that provides for two zones that may be applied over productive rural areas, these being the Agriculture Zone and the Rural Zone. Both provide for primary industries, however information that supported the making of the SPP's (the suite of zones and the provisions they contain) described that the Rural Zone was envisaged for those areas that had large tracts of land that were not productive agriculture. Previously, the planning scheme considered the rural landscape in one Rural Resources Zone that applied a more performance based approach to the use and development of rural land, with a focus on protecting primary industries. The implementation of the TPS now requires that the productive rural landscape be divided into two zones, creating issues with many areas across rural Tasmania that do not neatly fit into the narrow perception of land use allocation that was envisaged in the structure drafting of the TPS. West Kentish is one such area. This is due to the highly diverse nature of property sizes and land uses which range between agriculture, forestry, tourism and residential. It is not possible for the planning authority to reconcile a zoning approach where the only options available are inconsistent, self-contradictory and in effect, impossible to justify. The State LPSFAZ mapping is of no assistance where the methodology only highlights a disparate land use pattern. The approach taken for the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping identifies them as being constrained and where there was forestry being conducted under a PTR or in State forest.

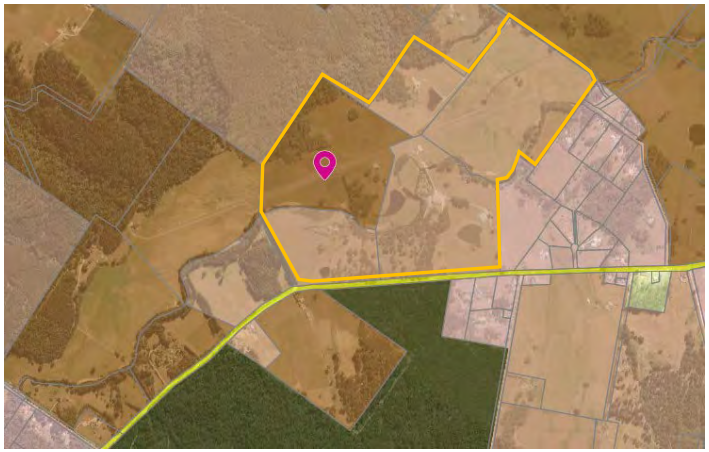
	As a general rule of practice for planning regulation, 'spot zoning' of titles is generally avoided, unless a title is sufficiently large enough to warrant individual treatment, such as for schools, universities and hospitals. Zoning is typically a reflection of an aggregated land use pattern for the application of consistent rules for use and development. The property that is the subject of the representation is a stand-alone title, that is surrounded by larger agricultural holdings and bordered to the north by a defunct railway reserve. The property is indicated below in Figures 28 and 29. As discussed above, there is a distinction between Rural and Agriculture zoning provisions in regard to non-agricultural activities. The Agriculture Zone does not readily provide (if at all) for additional uses where these are not related to a specific resource or value adding to an agricultural use on the site. Therefore, a non-agricultural property would be disadvantaged in regard to establishing compatible uses, such as visitor accommodation, despite this potentially directly supporting strategic objectives for an area. This may be an issue that will be addressed by the current State project that is underway, to review the SPPs. This issue has certainly been submitted to the State Government for consideration as part that review. Therefore, Council will not oppose requests for Rural zoning on land that is reasonably distant from settlements, where it can be demonstrated that there is limited potential for agriculture, nor will Council provide the rationale or justification for aspects of the TPS that do not adequately function. This is not the local planning authority role. At the same time, Council will not support a zoning approach that applies the Rural Zone to all land mapped as constrained in the State LPSFAZ mapping, due to the perverse results that would eventuate. In consideration of the above, the recommendation will be a neutral 'not opposed' position.

	Figure 28: LPS zoning and location of subject property. **Figure 29: State LPSFAZ map and location of subject property**
Recommendation	The request for Rural Zone is not opposed.
Effect on Draft LPS as a Whole	The recommendation relates to a position taken by the planning authority due to the inability to logically reconcile aspects of the TPS.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria, to the extent possible.
Representation 26.	**J Lev – 171 Williams Rd, Wilmot**
Matters Raised	Requests Rural Zone instead of Agriculture Zone over 7 properties on Williams Rd as these are more rural-residential in nature and are unsuitable for commercial agriculture. Submission notes adjacent blocks are zoned Rural Zone.
Consideration of Merits	Submissions relating to the agricultural report for 171 Williams Rd are noted. As described above in response to representations 31 and 49, the approach to zoning in the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping identifies them as being constrained and where there was forestry being conducted under a PTR or in State forest. The adjoining Rural zoning is due to State Forest and PTR's (hatched in green in aerial photo below). It is noted that the State LPSFAZ mapping classifies most of these properties as 'potentially unconstrained' for agriculture.

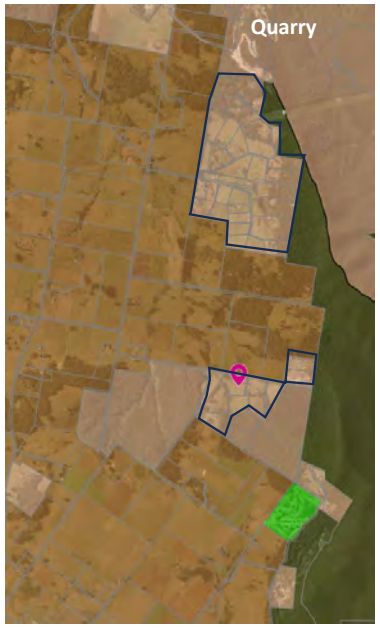
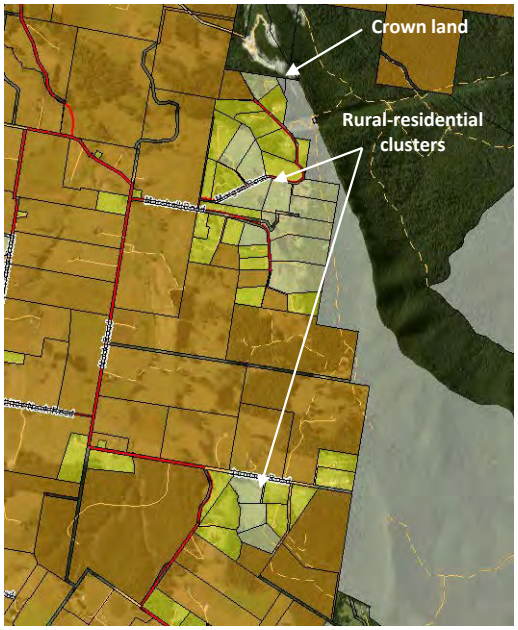
	The Section 8A Guideline under AZ6(e) states that potentially unconstrained land can be considered for alternate zoning where "*it can be demonstrated that:* *(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;* *(ii) there are significant constraints to agricultural use occurring on the land; or* *(iii) the Agriculture Zone is otherwise not appropriate for the land."* It is noted that there is no qualified agricultural assessment provide for the properties and two of the properties submitted appear to have orchard/cropping activities. As above, Council will not oppose requests for Rural zoning on land that is reasonably distant from settlements, where it can be demonstrated that there is limited potential for agriculture, nor will Council provide the rationale or justification for aspects of the TPS that do not adequately function. It is noted that the Wilmot area is on the main tourist route to Cradle Mountain, and is well-located to provide opportunities for visitor accommodation or other tourism attractors. Comments above regarding the deficiencies in the Agriculture Zone provisions to enable non-agricultural uses on land that is not predominantly agriculture are reiterated here. In consideration of the above, the recommendation will be a neutral 'not opposed' position.

	 **Figure 30: Aerial photo and location of submitted properties**  **Figure 31: LPS zoning and location of representor property.**
Recommendation	The request for Rural Zone is not opposed.
Effect on Draft LPS as a Whole	The recommendation relates to a position taken by the planning authority due to the inability to logically reconcile aspects of the TPS.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria, to the extent possible.
Representation 38.	**Page Seager obo Hackett CP Nominees Pty Ltd – 916A Claude Rd**
Matters Raised	Requests that 916A Claude Rd be zoned Rural Zone, consistent with the other titles in the collective property known as 'The Vale'. Agricultural assessment provided.
Consideration of Merits	The conclusions of the agricultural report for the property are noted.

	As described above in response to representations 26, 31 and 49, the approach to zoning in the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping identifies them as being constrained and where there was forestry being conducted under a PTR or in State forest. The proposed Rural zoning over this property is due to those parcels being identified as 'constrained' in the State LPSFAZ mapping. The Section 8A Guideline under AZ6(e) states that potentially unconstrained land can be considered for alternate zoning where "*it can be demonstrated that:* *(i) 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;* *(ii) there are significant constraints to agricultural use occurring on the land; or* *(iii) the Agriculture Zone is otherwise not appropriate for the land."* The qualified agricultural assessment concludes that the title in folio of the register 122052/6 is constrained and can appropriately be considered for the application of the Rural Zone, consistent with the balance of the property. As above, Council will not oppose requests for Rural zoning on land that is reasonably distant from settlements, where it can be demonstrated that there is limited potential for agriculture, nor will Council provide the rationale or justification for aspects of the TPS that do not adequately function. In consideration of the above, the recommendation will be a neutral 'not opposed' position.

	 **Figure 32: LPS zoning and location of subject title within the extent of the property.**
Recommendation	The request for Rural Zone is not opposed.
Effect on Draft LPS as a Whole	The recommendation relates to a position taken by the planning authority due to the inability to logically reconcile aspects of the TPS.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria, to the extent possible.
Representation 51.	**Van Diemen Consulting obo A Riley – Nook Quarry, Gravel Pit Rd, Nook**
Matters Raised	Supports Rural zoning of land around the quarry, given proximity to the quarry.
Consideration of Merits	Support is noted – this representation is related to Representation 36 which requests Rural Living Zone for the properties near the quarry. The response to Representation 36 is reiterated here. There are two distinctive clusters of rural-residential uses, created relatively recently through purposely subdivided land to the north and south of Nook. Most of the lots contain dwellings. These clusters are clearly evident in the State LPSFAZ mapping shown in Figure 34 below. The northern extent off Morgan Rd is adjacent to the quarry. The Rural Living Zone is described in the Section 8A Guideline as being appropriate for "*residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the*

	protection of residential amenity". This is an accurate description of the grouping of properties at Nook, with the exception of the two lots that are under PTR. Proximity to the quarry however, does require further consideration. The northern most lots have a depth of approximately 180m and the quarry face is approximately 70m from the shared boundary. The area is subject to the attenuation area overlay around the quarry for a distance of 1 kilometre. Under the provisions of the Attenuation Code, irrespective of the zone type, any sensitive use must not interfere with or constrain the operation of the quarry. Somewhat ironically, in addition, the Rural Living Zone has stronger provisions relating to consideration of potential impacts on established uses in any adjoining Rural Zones, where the 200m setback cannot be met, than in the Rural Zone itself, which only considers potential conflict with adjoining agricultural zoning and uses. Rural zoning would only rely on the provisions of the Attenuation Code when considering dwellings, whereas Rural Living zoning would apply both the Attenuation Code and the performance criteria relating to dwelling setbacks. The northern lots require careful consideration prior to the approval of any dwellings on those lots (noting that this was clearly the intent of the original subdivision) and this is best served by the application of the Rural Living Zone. The area is not supported for intensification at this stage however, as the area has not been assessed for the adequacy of infrastructure or potential impacts on rural resource activities in the area, particularly that further intensification within the attenuation distance of the quarry is not sound strategic planning. It is considered appropriate however, to maintain the status-quo and provide for the normal activities of a rural-residential area through the Rural Living Zone D. Figure 33 below outlines the area recommended for application of Rural Living Zone D.

	 **Figure 33: LPS zoning and outline of subject properties.**  **Figure 34: State LPSFAZ map and location of subject property**
Recommendation	It is recommended that the draft LPS is modified as follows: 1. The following folios of the register are zoned Rural Living Zone D: 122715/1, 122715/10, 122715/9, 122715/8, 122715/12, 122715/13, 122715/7, 122715/6, 122715/5, 122715/14, 122715/4, 122715/3, 122715/2, 11355/1, 122715/1, 108438/1, 108438/2, 108438/6, 108438/8, 108438/9, 108438/10, 108438/11, 108438/7, 108438/5, 108438/4, , 108438/3, 117229/1, 117229/2, 117229/6, 117229/3, 117229/4, 117229/5, 53213/1, 53213/2, 100228/3, 100228/2, 100228/4, 100228/5, 100228/1, 100228/6, 100228/7 and 100542/1. 2. The small adjoining parcel of Crown land is zoned Environmental Management Zone.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

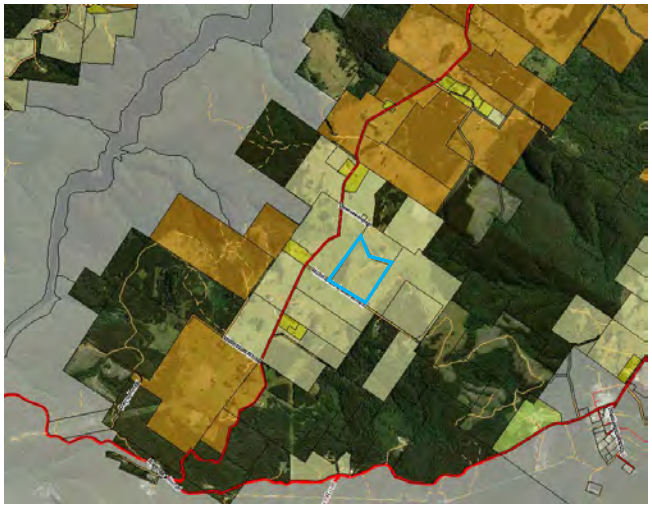
AGRICULTURE ZONE	
Representation 10.	**B Simmons – 225 Careys Rd, West Kentish**
Matters Raised	Submits that Agriculture Zone should be applied to 3 adjoining titles instead of Rural Zone, due to similar characteristics of surrounding farming land and prior submissions that the tourist accommodation on the site is ancillary to agriculture over the titles. Concerned about potential impacts of non-agricultural uses on surrounding operations, submits that the more onerous provisions of the Agriculture Zone are appropriate to manage future non-agricultural land uses.
Consideration of Merits	It is noted that part of the titles have been identified as constrained in the State LPSFAZ mapping, reflective of the former title arrangements. This has since been altered by boundary adjustment. The titles referred to are also utilised for visitor accommodation. This representation refers to titles that are also broadly encompassed by representations 31, 48 and 49, relating to issues of Agriculture vs Rural zoning in the West Kentish area. The response to those representations is reiterated here. Submissions regarding inconsistency with the zoning of other properties in the West Kentish area as well as commonalities in the land use characteristics with other properties proposed for Agriculture zoning are noted and generally agreed. The TPS implemented a suite of zones that provides for two zones that may be applied over productive rural areas, these being the Agriculture Zone and the Rural Zone. Both provide for primary industries, however information that supported the making of the SPP's (the suite of zones and the provisions they contain) described that the Rural Zone was envisaged for those areas that had large tracts of land that were not productive agriculture. Previously, the planning scheme considered the rural landscape in one Rural Resources Zone that applied a more performance based approach to the use and development of rural land, with a focus on protecting primary industries. The implementation of the TPS now requires that the productive rural landscape be divided into two zones, creating issues with many areas across rural Tasmania that do not neatly fit into the narrow perception of land use allocation that was envisaged in the structure drafting of the TPS. West Kentish is one such area. This is due to the highly diverse nature of property sizes and land uses which range from agriculture, forestry, tourism and residential. It is not possible for the planning authority to reconcile a zoning approach where the only options available are inconsistent, self-contradictory and in effect, impossible to justify. The State LPSFAZ mapping is of no assistance where the methodology only highlights a disparate land use pattern. The approach taken for the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping them as being constrained and where there was forestry being conducted under a PTR or in State forest.

	As a general rule of practice for planning regulation, 'spot zoning' of titles is generally avoided, unless a title is sufficiently large enough to warrant individual treatment, such as for schools, universities and hospitals. Zoning is typically a reflection of an aggregated land use pattern for the application of consistent rules for use and development. However, the distinction between Rural and Agriculture zoning provisions and the potential for disadvantage of non-agricultural uses is relevant. The Agriculture Zone does not readily provide (if at all) for additional uses where these are not related to a specific resource or value adding to an agricultural use on the site, noting prior assessments regarding the tourist use of the lots. This may be an issue that will be addressed by the current State project that is underway, to review the SPPs. This issue has certainly been submitted to the State Government for consideration as part that review. Council will not provide the rationale or justification for aspects of the TPS that do not adequately function. This is not the local planning authority role. At the same time, Council will not support a zoning approach that applies the Rural Zone to all land mapped as constrained in the State LPSFAZ mapping, due to the perverse results that would eventuate. The titles referenced in the representation are zoned on the basis of a small aggregation that are identified as 'constrained' in the State LPSFAZ mapping. Further to this, despite acknowledgement of the points made in the representation, Council will not be undertaking detailed assessment, or rationalising of, the agricultural attributes of all of the properties in the West Kentish locality. In consideration of the above, the recommendation is a neutral position.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 44.	**R Smart and T Hole – 90 Brown Rd, West Kentish**
Matters Raised	The representation notes the inconsistency of zoning in the locality on Browns and Carey's Roads, in that multiple properties have tourist uses, but have different zoned proposed. The submission is similar to representation 10 above, that the adjoining proposed Rural Zone titles should be zoned Agriculture Zone. Suggests that all properties under 2.5ha are zoned Rural Zone and anything larger zoned Agriculture Zone.
Consideration of Merits	The response to representation 10 is reiterated. Zoning inconsistency in the locality is acknowledged and agreed.

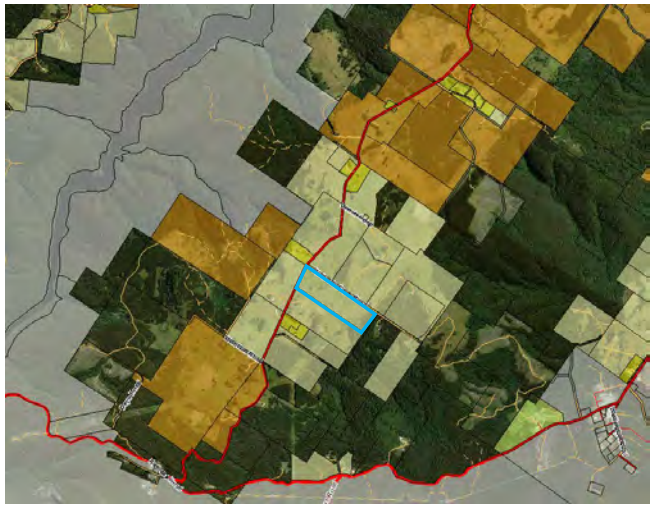
	It is noted that part of the titles have been identified as constrained in the State LPSFAZ mapping, reflective of the former title arrangements. This has since been altered by boundary adjustment. The titles referred to are also utilised for visitor accommodation. This representation refers to titles that are also broadly encompassed by representations 31, 48 and 49, relating to issues of Agriculture vs Rural zoning in the West Kentish area. The response to those representations is reiterated here. Submissions regarding inconsistency with the zoning of other properties in the West Kentish area as well as commonalities in the land use characteristics with other properties proposed for Agriculture zoning are noted and generally agreed. The TPS implemented a suite of zones that provides for two zones that may be applied over productive rural areas, these being the Agriculture Zone and the Rural Zone. Both provide for primary industries, however information that supported the making of the SPP's (the suite of zones and the provisions they contain) described that the Rural Zone was envisaged for those areas that had large tracts of land that were not productive agriculture. Previously, the planning scheme considered the rural landscape in one Rural Resources Zone that applied a more performance based approach to the use and development of rural land, with a focus on protecting primary industries. The implementation of the TPS now requires that the productive rural landscape be divided into two zones, creating issues with many areas across rural Tasmania that do not neatly fit into the narrow perception of land use allocation that was envisaged in the structure drafting of the TPS. West Kentish is one such area. This is due to the highly diverse nature of property sizes and land uses which range from agriculture, forestry, tourism and residential. It is not possible for the planning authority to reconcile a zoning approach where the only options available are inconsistent, self-contradictory and in effect, impossible to justify. The State LPSFAZ mapping is of no assistance where the methodology only highlights a disparate land use pattern. The approach taken for the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping them as being constrained and where there was forestry being conducted under a PTR or in State forest. As a general rule of practice for planning regulation, 'spot zoning' of titles is generally avoided, unless a title is sufficiently large enough to warrant individual treatment, such as for schools, universities and hospitals. Zoning is typically a reflection of an aggregated land use pattern for the application of consistent rules for use and development. However, the distinction between Rural and Agriculture zoning provisions and the potential for disadvantage of non-agricultural uses is relevant. The Agriculture Zone does not readily provide (if at all) for additional uses where these are not related to a specific resource or value adding to an agricultural use on the site, noting prior assessments regarding the tourist use of the lots. This may be an issue that will be addressed by the current State project that is underway, to review the SPPs. This issue has certainly been submitted to the State Government for consideration as part that review.

	Council will not provide the rationale or justification for aspects of the TPS that do not adequately function. This is not the local planning authority role. At the same time, Council will not support a zoning approach that applies the Rural Zone to all land mapped as constrained in the State LPSFAZ mapping, or lots below a certain size (of which many are mapped as 'constrained'), due to the perverse results that would eventuate. The titles referenced in the representation are zoned on the basis of a small aggregation that are identified as 'constrained' in the State LPSFAZ mapping. Further to this, despite acknowledgement of the points made in the representation, Council will not be undertaking detailed assessment, or rationalising of, the agricultural attributes of all of the properties in the West Kentish locality. In consideration of the above, the recommendation is a neutral position.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 21.	**G Bennett – 83 Richards Farm Rd, Staverton**
Matters Raised	Objects to Rural zoning – Requests Agriculture Zone over 20ha property as more appropriate considering the agricultural activities undertaken. The submission provides information on property improvements for farming and suggests that the land is Class 3 soil based on State land capability methodology.
Consideration of Merits	The Staverton area has similar diverse, rural land use characteristics as those identified at West Kentish and discussed in response to representations above. The area is characterised by a mix of holding sizes, some cleared and being utilised for grazing whilst others are partially or fully forested. There are a number of PTR's that have not be assessed under the State LPSFAZ mapping, with the results of that mapping applying a constrained classification to a substantive number of properties undertaking grazing activities. There is no apparent consistency in the LPSFAZ mapping results and Council will not be undertaking detailed assessment, or rationalising of, the agricultural attributes of all of the properties in the Staverton locality. As described above, the TPS implemented a suite of zones that provides for two zones that may be applied over productive rural areas, these being the Agriculture Zone and the Rural Zone. Both provide for primary industries, however information that supported the making of the SPP's (the suite of zones and the provisions they contain) described that the Rural Zone was envisaged for those areas that had large tracts of land that were not productive agriculture. Previously, the planning scheme considered the rural landscape in one Rural Resources Zone that applied a more performance based approach to the use and development of rural land, with a focus on protecting primary industries. The implementation of the TPS now requires that the productive rural landscape be

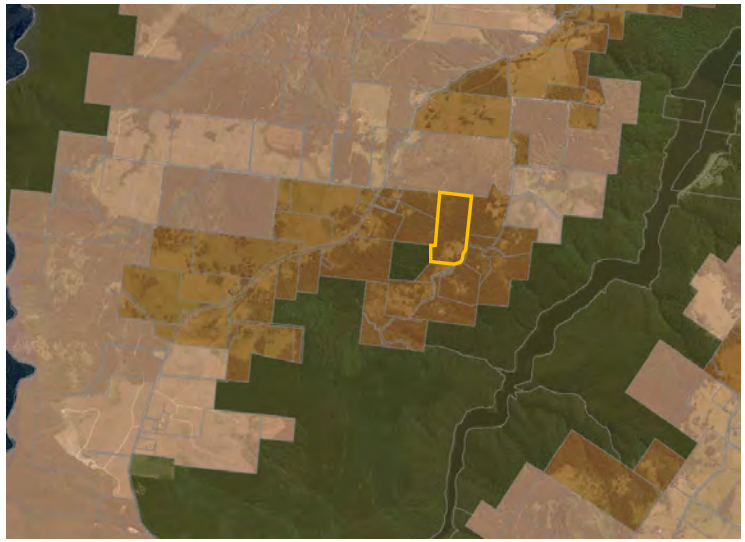
	divided into two zones, creating issues with many areas across rural Tasmania that do not neatly fit into the narrow perception of land use allocation that was envisaged in the structure drafting of the TPS. Staverton is one such area. This is due to the highly diverse nature of property sizes and land uses which range between agriculture, forestry and residential. It is not possible for the planning authority to reconcile a zoning approach where the only options available are inconsistent, self-contradictory and in effect, impossible to justify. The State LPSFAZ mapping is of no assistance where the methodology only highlights a disparate land use pattern. The approach taken for the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping them as being constrained and where there was forestry being conducted under a PTR or in State forest. As a general rule of practice for planning regulation, 'spot zoning' of titles is generally avoided, unless a title is sufficiently large enough to warrant individual treatment, such as for schools, universities and hospitals. Zoning is typically a reflection of an aggregated land use pattern for the application of consistent rules for use and development. The property that is the subject of the representation is within a cluster of titles that are classified as constrained under the State LPSFAZ mapping, that is surrounded by holdings of a similar nature. The property is indicated below in Figures 35 and 36. The Agriculture Zone does not readily provide (if at all) for additional uses where these are not related to a specific resource or value adding to an agricultural use on the site. This may be an issue that will be addressed by the current State project that is underway, to review the SPPs. Council will not oppose requests for Agriculture zoning on constrained land if a landowner considers that they are undertaking agricultural activities. It is noted that the Rural Zone does not prevent in any way, the undertaking of agricultural activities. As discussed above, Council will not provide the rationale or justification for aspects of the TPS that do not adequately function in regard to consistent application of zoning in productive rural areas. This is not the local planning authority role. In consideration of the above, the recommendation will be a neutral 'not opposed' position.

	Figure 35: LPS zoning and outline of subject property.  **Figure 36: State LPSFAZ map and location of subject property**
Recommendation	The request for Agriculture Zone is not opposed.
Effect on Draft LPS as a Whole	The recommendation relates to a position taken by the planning authority due to the inability to logically reconcile aspects of the TPS.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria, to the extent possible.
Representation 32.	**M Purgar – 48 Richards Farm Rd, Staverton**
Matters Raised	Objects to Rural zoning – Requests Agriculture Zone over 20ha property as more appropriate considering the agricultural activities undertaken. The submission provides information on property improvements for farming.
Consideration of Merits	The representation submits a very similar position to representation 21 above. The response to that representation is reiterated. The Staverton area has similar diverse, rural land use characteristics as those identified at West Kentish and discussed in response to representations above. The area is characterised by a mix of holding sizes, some cleared and being utilised for grazing whilst others are partially or fully forested. There are a number of PTR's that have not be assessed under the State LPSFAZ mapping, with the results of that mapping applying a constrained classification to a substantive number of properties undertaking grazing activities.

	There is no apparent consistency in the LPSFAZ mapping results and Council will not be undertaking detailed assessment, or rationalising of, the agricultural attributes of all of the properties in the Staverton locality. As described above, the TPS implemented a suite of zones that provides for two zones that may be applied over productive rural areas, these being the Agriculture Zone and the Rural Zone. Both provide for primary industries, however information that supported the making of the SPP's (the suite of zones and the provisions they contain) described that the Rural Zone was envisaged for those areas that had large tracts of land that were not productive agriculture. Previously, the planning scheme considered the rural landscape in one Rural Resources Zone that applied a more performance based approach to the use and development of rural land, with a focus on protecting primary industries. The implementation of the TPS now requires that the productive rural landscape be divided into two zones, creating issues with many areas across rural Tasmania that do not neatly fit into the narrow perception of land use allocation that was envisaged in the structure drafting of the TPS. Staverton is one such area. This is due to the highly diverse nature of property sizes and land uses which range between agriculture, forestry and residential. It is not possible for the planning authority to reconcile a zoning approach where the only options available are inconsistent, self-contradictory and in effect, impossible to justify. The State LPSFAZ mapping is of no assistance where the methodology only highlights a disparate land use pattern. The approach taken for the Kentish Draft LPS was to apply the Rural Zone to groupings of adjoining titles where the State LPSFAZ mapping them as being constrained and where there was forestry being conducted under a PTR or in State forest. As a general rule of practice for planning regulation, 'spot zoning' of titles is generally avoided, unless a title is sufficiently large enough to warrant individual treatment, such as for schools, universities and hospitals. Zoning is typically a reflection of an aggregated land use pattern for the application of consistent rules for use and development. The property that is the subject of the representation is within a cluster of titles that are classified as constrained under the State LPSFAZ mapping, that is surrounded by holdings of a similar nature. The property is indicated below in Figures 37 and 38. The Agriculture Zone does not readily provide (if at all) for additional uses where these are not related to a specific resource or value adding to an agricultural use on the site. This may be an issue that will be addressed by the current State project that is underway, to review the SPPs. Council will not oppose requests for Agriculture zoning on constrained land if a landowner considers that they are undertaking agricultural activities. It is noted that the Rural Zone does not prevent in any way, the undertaking of agricultural activities. As discussed above, Council will not provide the rationale or justification for aspects of the TPS that do not adequately function in regard to consistent application of zoning in productive rural areas. This is not the local planning authority role. In consideration of the above, the recommendation will be a neutral 'not opposed' position.

	Figure 37: LPS zoning and outline of subject property.  **Figure 38: State LPSFAZ map and location of subject property**
Recommendation	The request for Agriculture Zone is not opposed.
Effect on Draft LPS as a Whole	The recommendation relates to a position taken by the planning authority due to the inability to logically reconcile aspects of the TPS.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria, to the extent possible.

LANDSCAPE CONSERVATION ZONE	
Representation 13.	**D & V McKenzie-McHarg – 250 Masons Rd, Wilmot/Erriba**
Matters Raised	Requests split zone – Part Agriculture Zone and part Landscape Conservation Zone (LCZ) over conservation covenant. Submission describes the land as one of 3 contiguous conservation covenants and that the title has a clear demarcation of land uses. The land is not assessed under the State LPSFAZ mapping. Submits that the LCZ is appropriate as it is consistent with TPC guidelines for application of the zone over a cluster of covenanted properties. References Representation 27.
Consideration of Merits	The property is part of a cluster of rural-residential properties on Mason's Rd and Cradle Mountain Rd, three of which have conservation covenants, which are relatively contiguous with a 15ha State reserve that is proposed for Environmental Management Zone. The cluster bordered by State and private forestry to the north and south. The submissions made regarding natural values are noted, however it is considered that there is not a substantive enough concentration of natural landscape values to support application of the LCZ. It is noted that the combined area of the conservation covenants and the State reserve is approximately 59 hectares. This is not a substantive area within the context of the local landscape. Guideline No. 1 states that the LCZ should be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate. The purpose of the zone relates to the protection, conservation and management of landscape values as the first priority. In looking at the application of zoning, the first principle is to apply consistent regulation to a majority, or groupings, of characteristics. As a general rule, spot zoning should be avoided due to inequitable regulation within an area and unintended consequences in considering impacts on adjoining land. The primary objective of the LCZ is the protection and management of landscape values. Landscape, by definition, takes in a broad area as an expanse of scenery that can be seen from a single viewpoint. The intent of the zone is to apply regulation equitably, that takes into account the broader extent of physical characteristics within a locality that are enjoyed and valued by the local community. The advisory notes published by the TPC recognise this by drawing attention to the concept of contiguous and connected titles in the application of the zone. There is always the potential that one title, or a small number of titles, may encompass the entirety of substantial elements in the landscape such as hill ranges, ridgelines, riverine environments and lakes. However, in the majority of circumstances, 'landscape' is made up of a number of titles and multiple landowners.

	It is considered that the Landscape Conservation Zone is not appropriate for application to a small number of titles, unless they encompass to a substantive degree, landscape features to be protected. This is not the case with properties highlighted in the representation, where they are a part of a broader vegetated landscape with consistent characteristics. Refer aerial photo below. The choice by private landowners to conserve natural values on their land is an individual decision and the terms for the management of that land under the covenant is regulated separately, irrespective of the planning regulations that may apply to the land. In this regard, the properties that are the subject of the representation will be maintained in a protected state which will conserve their particular visual and natural values. However, it is also noted that the application of Agriculture zoning is not consistent with other areas that are largely mapped as constrained under the State LPSFAZ mapping. This area is more consistent with Rural zoning. Cradle Mountain Rd may provide opportunity for tourism uses that will be unreasonably constrained by the current provisions of the Agriculture Zone as discussed above. **Figure 39: Conservation covenants and subject property.**  **Figure 40: LPS zoning and outline of subject property.**
Recommendation	It is recommended that the LPS is not modified in response to the representation.

Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 14.	**D & M Phoenix – 705 Cradle Mountain Rd, Erriba**
Matters Raised	Requests Landscape Conservation Zone (LCZ) over property that is mostly under conservation covenant, instead of Agriculture Zone. The submission relates to representation 13 above and describes the land as one of 3 contiguous conservation covenants. Also references Representation 27. Submits that the LCZ is appropriate as it is consistent with TPC guidelines for application of the zone over a cluster of covenanted properties.
Consideration of Merits	Comments in response to representation 13 above are repeated here. The land is not assessed under the State LPSFAZ mapping. The property is part of a cluster of rural-residential properties on Mason's Rd and Cradle Mountain Rd, three of which have conservation covenants, which are relatively contiguous with a 15ha State reserve that is proposed for Environmental Management Zone. The cluster bordered by State and private forestry to the north and south. The submissions made regarding natural values are noted, however it is considered that there is not a substantive enough concentration of natural landscape values to support application of the LCZ. It is noted that the combined area of the conservation covenants and the State reserve is approximately 59 hectares. This is not a substantive area within the context of the local landscape. Guideline No. 1 states that the LCZ should be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate. The purpose of the zone relates to the protection, conservation and management of landscape values as the first priority. In looking at the application of zoning, the first principle is to apply consistent regulation to a majority, or groupings, of characteristics. As a general rule, spot zoning should be avoided due to inequitable regulation within an area and unintended consequences in considering impacts on adjoining land. The primary objective of the LCZ is the protection and management of landscape values. Landscape, by definition, takes in a broad area as an expanse of scenery that can be seen from a single viewpoint. The intent of the zone is to apply regulation equitably, that takes into account the broader extent of physical characteristics within a locality that are enjoyed and valued by the local community. The advisory notes published by the TPC recognise this by drawing attention to the concept of contiguous and connected titles in the application of the zone. There is always the potential that one title, or a small number of titles, may encompass the entirety of substantial elements in the landscape such as hill ranges, ridgelines, riverine environments and lakes. However, in the majority of circumstances, 'landscape' is made up of a number of titles and multiple landowners.

	It is considered that the Landscape Conservation Zone is not appropriate for application to a small number of titles, unless they encompass to a substantive degree, landscape features to be protected. This is not the case with properties highlighted in the representation, where they are a part of a broader vegetated landscape with consistent characteristics. Refer aerial photo below. The choice by private landowners to conserve natural values on their land is an individual decision and the terms for the management of that land under the covenant is regulated separately, irrespective of the planning regulations that may apply to the land. In this regard, the properties that are the subject of the representation will be maintained in a protected state which will conserve their particular visual and natural values. However, it is also noted that the application of Agriculture zoning is not consistent with other areas that are largely mapped as constrained under the State LPSFAZ mapping. This area is more consistent with Rural zoning. Cradle Mountain Rd may provide opportunity for tourism uses that will be unreasonably constrained by the current provisions of the Agriculture Zone as discussed above. **Figure 41: Conservation covenants and subject property.** **Figure 42: LPS zoning and outline of subject property.**
Recommendation	It is recommended that the LPS is not modified in response to the representation.

Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 22.	**J & G Dennett – 675 Cradle Mountain Rd, Erriba**
Matters Raised	Requests split zone – Part Agriculture Zone and part Landscape Conservation Zone (LCZ) over conservation covenant. Submission describes the land as one of 3 contiguous conservation covenants, adjoins State reserve and that the title has a clear demarcation of land uses. The bulk of 30.6ha title is covenant plus 5.7ha of other forest and cleared land proposed to remain in Agriculture Zone. Submits that the LCZ is appropriate as it is consistent with TPC guidelines for application of the zone over a cluster of covenanted properties. Submits that relationship to the other covenanted properties and the reserve make up a contiguous habitat that warrants LCZ.
Consideration of Merits	Comments in response to representations 13 and 14 above are repeated here. The land is not assessed under the State LPSFAZ mapping. The property is part of a cluster of rural-residential properties on Mason's Rd and Cradle Mountain Rd, three of which have conservation covenants, which are relatively contiguous with a 15ha State reserve that is proposed for Environmental Management Zone. The cluster bordered by State and private forestry to the north and south. The submissions made regarding natural values are noted, however it is considered that there is not a substantive enough concentration of natural landscape values to support application of the LCZ. It is noted that the combined area of the conservation covenants and the State reserve is approximately 59 hectares. This is not a substantive area within the context of the local landscape. Guideline No. 1 states that the LCZ should be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate. The purpose of the zone relates to the protection, conservation and management of landscape values as the first priority. In looking at the application of zoning, the first principle is to apply consistent regulation to a majority, or groupings, of characteristics. As a general rule, spot zoning should be avoided due to inequitable regulation within an area and unintended consequences in considering impacts on adjoining land. The primary objective of the LCZ is the protection and management of landscape values. Landscape, by definition, takes in a broad area as an expanse of scenery that can be seen from a single viewpoint. The intent of the zone is to apply regulation equitably, that takes into account the broader extent of physical characteristics within a locality that are enjoyed and valued by the local community. The advisory notes published by the TPC recognise this by drawing attention to the concept of contiguous and connected titles in the application of the zone. There is always the potential that one title, or a small number of titles, may encompass the entirety of substantial elements in the landscape such as hill ranges, ridgelines,

riverine environments and lakes. However, in the majority of circumstances, 'landscape' is made up of a number of titles and multiple landowners.

It is considered that the Landscape Conservation Zone is not appropriate for application to a small number of titles, unless they encompass to a substantive degree, landscape features to be protected. This is not the case with properties highlighted in the representation, where they are a part of a broader vegetated landscape with consistent characteristics. Refer aerial photo below.

The choice by private landowners to conserve natural values on their land is an individual decision and the terms for the management of that land under the covenant is regulated separately, irrespective of the planning regulations that may apply to the land. In this regard, the properties that are the subject of the representation will be maintained in a protected state which will conserve their particular visual and natural values.

However, it is also noted that the application of Agriculture zoning is not consistent with other areas that are largely mapped as constrained under the State LPSFAZ mapping. This area is more consistent with Rural zoning. Cradle Mountain Rd may provide opportunity for tourism uses that will be unreasonably constrained by the current provisions of the Agriculture Zone as discussed above.

Figure 43: Conservation covenants and subject property.

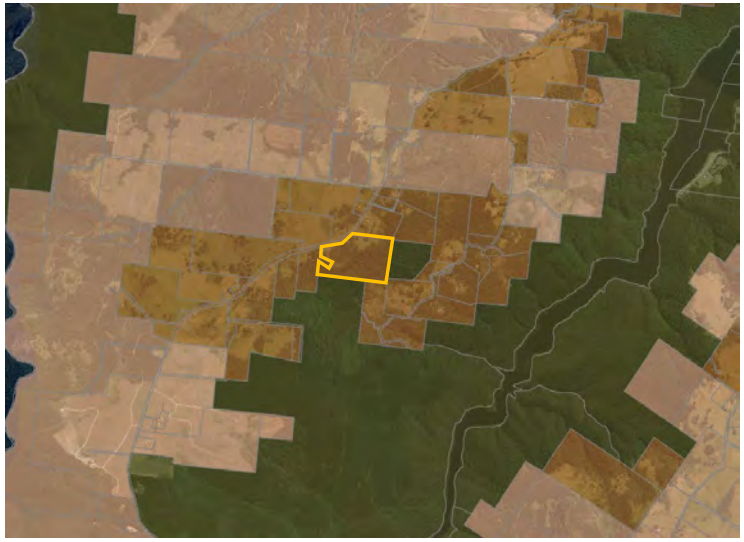
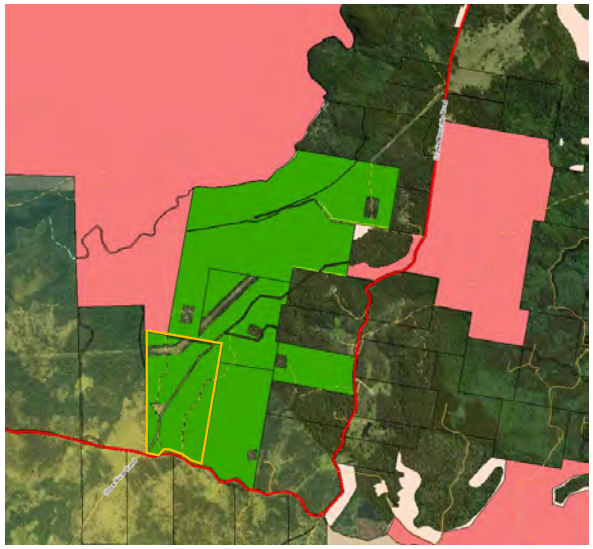
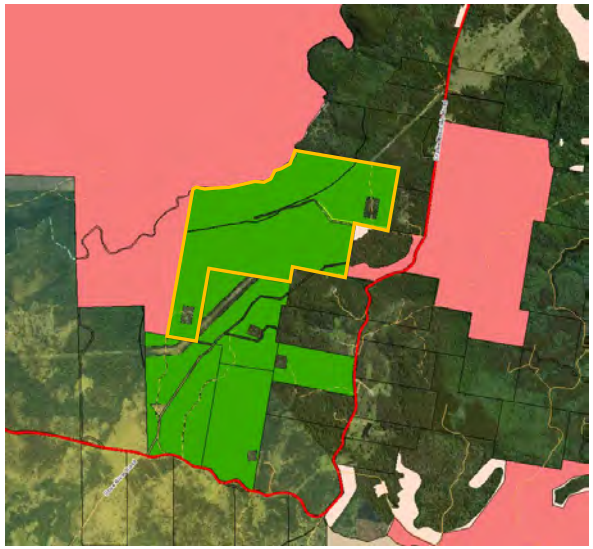
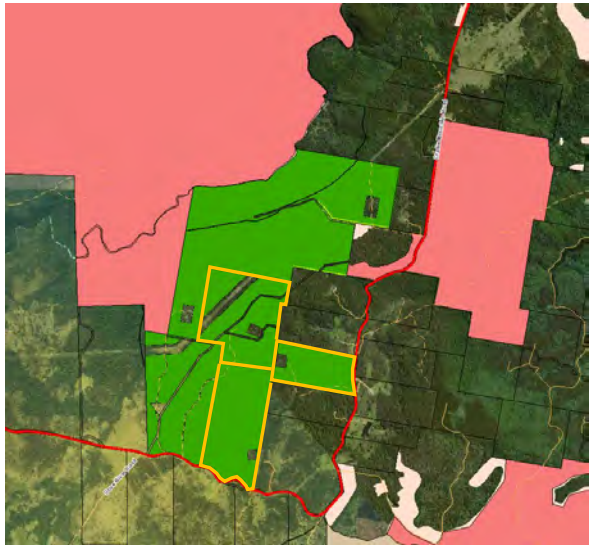


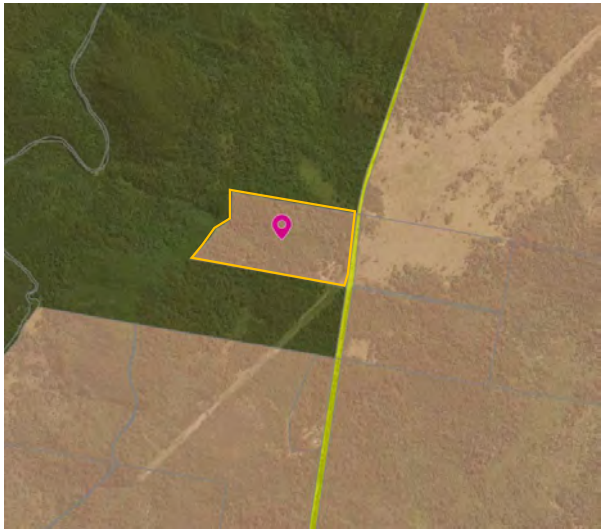
Figure 44: LPS zoning and outline of subject property

Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 4.	**Tasmanian Land Conservancy (TLC)**
Matters Raised	Submits: • support for Environmental Management Zone (EMZ) over Vale of Belvoir property • for Landscape Conservation Zone (LCZ) over TLC Daisy Dell property instead of Rural Zone. Part of a covenant cluster which should also be LCZ. • that other conservation covenanted properties (14) should be LCZ if not primarily used for agriculture or incompatible uses. There are several clusters where LCZ would be appropriate. • All covenanted land should be in a zone that provides for the Priority Vegetation Area overlay to be applied.
Consideration of Merits	It is considered that the request for LCZ over the Daisy Dell property has merit, as it is part of a contiguous cluster of 5 titles under conservation covenant that totals approximately 624ha. Refer Figure 45 below. Guideline No. 1 states that the Landscape Conservation Zone should be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate. The purpose of the zone relates to the protection, conservation and management of landscape values as the first priority. In consideration of the response to representations 13, 14 and 22 above, this grouping of covenants is considered to have sufficient scale to warrant application of the zone. However, as discussed above, other smaller clusters are not considered to have sufficient scale to warrant application of the LCZ in their respective contexts, the one exception being an area at Lower Barrington, discussed under representation 42 below. Zoning of land should be a reflection of land use, of which conservation values and practices is one consideration. Irrespective of the zoning of the land, the statutory obligations under a conservation covenant apply for the protection of those values.

	 **Figure 45: Conservation covenants (green shading) and Daisy Dell property (orange outline)**
Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folio of the register 119439/2.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcel only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 15.	**Dr J Wilson – 2100 Cradle Mountain Rd, Moina**
Matters Raised	Requests Landscape Conservation Zone (LCZ) over property instead of Rural. Submits that the property is part of a covenant cluster which should also be LCZ.
Consideration of Merits	The property is part of same cluster as the Daisy Dell property discussed in representation 4 above.

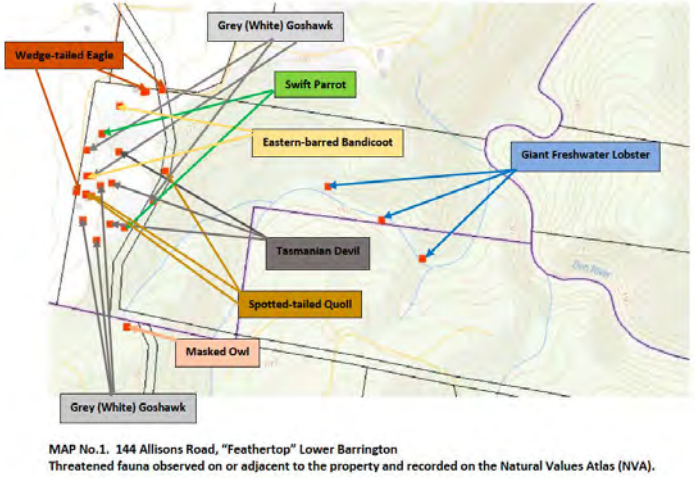
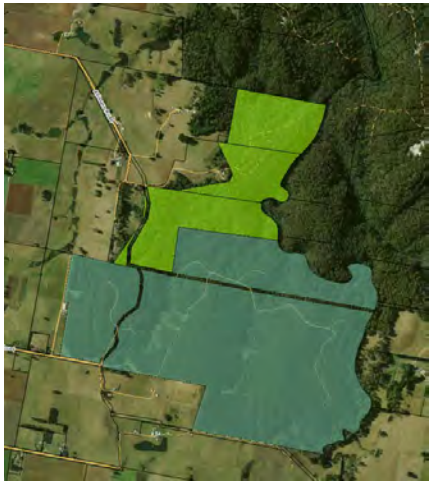
	It is considered that the request for LCZ over the property has merit, as it is part of a contiguous cluster of 5 titles under conservation covenant that totals approximately 624ha. Refer Figure 46 below. Guideline No. 1 states that the Landscape Conservation Zone should be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate. The purpose of the zone relates to the protection, conservation and management of landscape values as the first priority. Consistent with responses to representations above, this grouping of covenants is considered to have sufficient scale to warrant application of the zone.  **Figure 46: Conservation covenants (green shading) and subject property (orange outline)**
Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folio of the register 235186/1.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcel only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

Representation 17.	**G Clark – Cradle Mountain Rd, Moina**
Matters Raised	Requests Landscape Conservation Zone (LCZ) over three titles instead of Rural. Submits that the titles are part of a covenant cluster which should also be LCZ.
Consideration of Merits	The property is part of same cluster as the properties discussed in representations 4 and 15 above. It is considered that the request for LCZ over the property has merit, as it is part of a contiguous cluster of 5 titles under conservation covenant that totals approximately 624ha. Refer Figure 47 below. Guideline No. 1 states that the Landscape Conservation Zone should be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate. The purpose of the zone relates to the protection, conservation and management of landscape values as the first priority. Consistent with responses to representations above, this grouping of covenants is considered to have sufficient scale to warrant application of the zone.  **Figure 47: Conservation covenants (green shading) and subject property (orange outline)**

Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folios of the register 104424/1, 119439/3 and 119439/4.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 43.	**R Campbell, C Meyers, E Frost & M Frost – 1928 Cradle Mountain Rd**
Matters Raised	Requests Landscape Conservation Zone (LCZ) over 19.4 ha property instead of Rural as the property is surrounded by Crown Land in the Environmental Management Zone (EMZ).
Consideration of Merits	It is considered that the request has merit. Consistent with the approach described in response to representations above, the EMZ and LCZ are compatible when in a contiguous arrangement such as this and also have a contiguous landscape typology.  **Figure 48: LPS zoning and location of subject property**

Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folio of the register 209490/1.
Effect on Draft LPS as a Whole	The recommendation relates to a specific cadastral parcel only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 27.	**Conservation Landholders Tasmania**
Matters Raised	Submit that numerous properties with conservation covenants should be zoned Landscape Conservation Zone (LCZ): a) The Valley – Ellis Flats Rd, Lower Wilmot b) Lot 2 Allisons Rd, Lower Barrington c) 144 Allisons Rd, Lower Barrington d) 145 Allisons Rd, Lower Barrington e) Noonameena – 250 Masons Rd, Wilmot f) 675 Cradle Mountain Rd, Erriba g) 705 Cradle Mountain Rd, Erriba h) 188 Kelly's Cage Rd, Weegena i) 2100 Cradle Mountain Rd, Moina j) Cider Vale, Cradle Mountain Rd, Moina k) Daisy Dell and Daisy Dell #2, Cradle Mountain Rd, Moina l) 9298 Lorinna Rd, Lorinna. Supports EMZ over Vale of Belvoir. Supports alternate zoning over two covenants at Railton and Claude Rd due to isolation and size.
Consideration of Merits	Properties i) – k) are supported for LCZ as discussed in response to representations 4, 15 and 17 above. The properties at Masons Rd/Cradle Mountain Rd, Erriba are discussed under representations 13, 14 and 22 above and are not supported for LCZ due to a lack of scale. Property l) at Lorinna is recommended for part Rural Living Zone and part Environmental Management Zone (EMZ) over the conservation covenant, due to the continuity with the EMZ of Lake Cethana, reflecting a broader environmental landscape value. Properties b) – d) at Lower Barrington are not a large cluster and are part covenant and part pasture/cleared land. However, the area is considered to have merit for LCZ. Refer to discussion under representations 42, 45 and 50 below.

	Property a) at Lower Wilmot is within an extensive area of forestry proposed to be zoned Rural Zone in Kentish as well as across Wilmot River in the Central Coast LGA. There is not sufficient scale or zone compatibility to warrant application of the LCZ. **Figure 49: Aerial photo showing conservation covenant and Central Coast LPS Rural Zone adjoining.**
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 42.	**P Milner – 144 Allisons Rd, Lower Barrington**
Matters Raised	Request Landscape Conservation Zone (LCZ) instead of Rural Zone over covenanted property.

Consideration of Merits	It is noted that the property is in a small cluster of conservation covenants, where the properties are part covenant and part pasture/cleared land. Extracted from the representation below, is a diagram of concentrated threatened species records for the property that are largely located outside of the covenant area. It is noted that the 3 covenants are bordered by the Don River gorge. It is considered that the broad range of use and development allowable under the Rural Zone presents some risk to the natural values on the site, that are largely not protected by the covenant. As such, despite the small scale of this cluster of conservation covenants, it is considered appropriate to apply the LCZ over the full extent of the three properties containing the conservation covenants.  **Figure 50: Diagram of Threatened Species Records.**  **Figure 51: Aerial photo showing conservation covenants (light green shading) and PTR to the south.**
Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folio of the register 66838/1, 132884/1 and 153050/2.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

Representation 45.	**R & D Waller – 145 Allisons Rd, Lower Barrington**
Matters Raised	Request Landscape Conservation Zone (LCZ) instead of Rural Zone over covenanted property. Property adjoins representation 42 above.
Consideration of Merits	The property is one of the cluster of conservation covenants discussed above in response to representation 42. Whilst the representation does not indicate where threatened species occur on the site, it makes reference to sightings and the vegetated landscape is contiguous. As discussed above, despite the small scale of this cluster of conservation covenants, it is considered appropriate to apply the LCZ over the full extent of the three properties containing the conservation covenants.
Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folio of the register 66838/1, 132884/1 and 153050/2.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 50.	**S & K Philp – Lot 2 Allisons Rd, Lower Barrington**
Matters Raised	Request Landscape Conservation Zone (LCZ) instead of Rural Zone over covenanted property. Property adjoins representations 42 & 45 above.
Consideration of Merits	The property is one of the cluster of conservation covenants discussed above in response to representation 42. Whilst the representation does not indicate where threatened species occur on the site, it makes reference to sightings and the vegetated landscape is contiguous. As discussed above, despite the small scale of this cluster of conservation covenants, it is considered appropriate to apply the LCZ over the full extent of the three properties containing the conservation covenants.
Recommendation	It is recommended that the draft LPS is modified to apply the Landscape Conservation Zone to folio of the register 66838/1, 132884/1 and 153050/2.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 28.	**P Spillane & K Tune – 928 Lorinna Rd, Lorinna**
Matters Raised	Request Landscape Conservation Zone (LCZ) over 33ha property, partly under conservation covenant instead of Rural Zone.

Consideration of Merits	Refer to discussion of the land use pattern of the Lorinna area under representation 5 above. This property is included in the grouping of rural-residential properties at Lorinna that are recommended for Rural Living zoning. The topographical circumstances of this particular title and the spatial extent of the conservation covenant is such that the covenanted area is almost surrounded on three sides by Lake Cethana which is zoned Environmental Management. The landscape typology of the forested covenant area is consistent with that along the edges of lake Cethana, such that a contiguous zoning is warranted. The cleared area of approximately 3.5 hectares that contains the dwelling and is not under covenant, is consistent with the character of other rural residential properties in the locality. This part of the title would be unduly constrained for normal rural-residential use in either the Landscape Conservation Zone or the Environmental Management Zone and as such, a split zone is recommended for the property to reflect the continuity of land use pattern to either side. Figure 52 below shows the recommended zoning of the property in the context of the recommendation for the whole locality (duplicated in Representation 5) As discussed above under representation 5, this title may have potential to create additional titles by subdivision. A site specific qualification is recommended to prevent subdivision of the lot. This may not be ultimately necessary if the conservation covenant precludes subdivision.

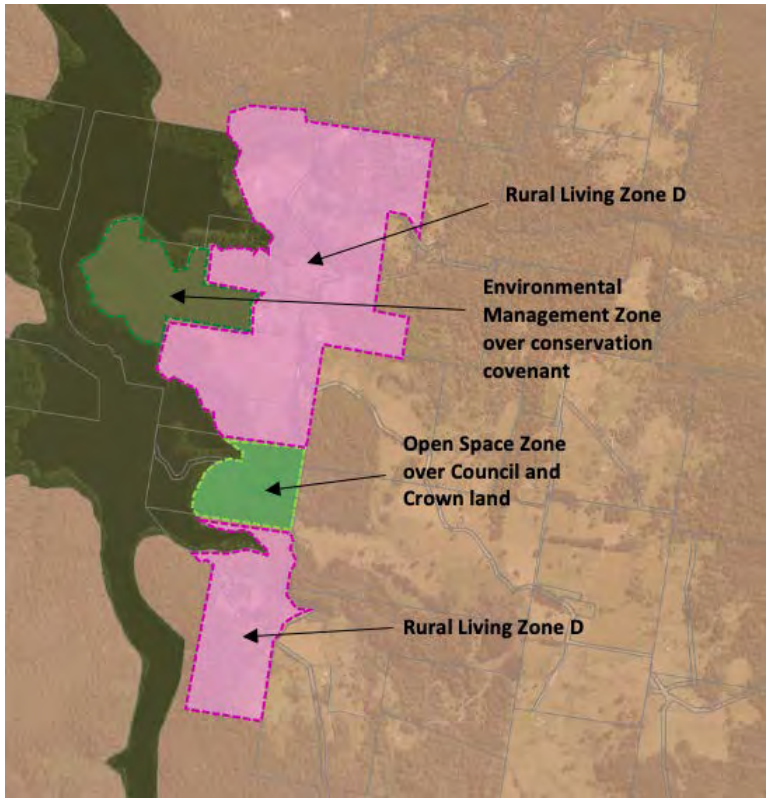


Figure 52: Recommended modification for zoning at Lorinna

<table>
<tr><td>Recommendation</td><td>It is recommended that the draft LPS is modified as follows:
1. For folio of the register 168850/1:
a) apply the Environmental Management Zone over the area contained in conservation covenant; and
b) apply the Rural Living Zone D over that part of the title that is not under conservation covenant.
2. Apply the following Site-Specific Qualification to folios of the register 168850/1 and 238257/1:
<table>
<tr><th>Reference Number</th><th>Site Reference</th><th>Folio of the Register</th><th>Description</th><th>Relevant Clause in State Planning Provisions</th></tr>
<tr><td>KEN-11.1</td><td>928 Lorinna Rd
950 Lorinna Rd</td><td>168850/1
238257/1</td><td>In substitution for the relevant clause:
A1
Subdivision does not create additional lots.
P1
No Performance Criterion</td><td>11.5.1 Lot Design
A1 and P1</td></tr>
</table>
</td></tr>
<tr><td>Effect on Draft LPS as a Whole</td><td>The recommended modifications relate to narrow circumstances within the locality of Lorinna and do not affect the draft LPS as a whole.</td></tr>
<tr><td>LPS Criteria</td><td>The recommended modifications provide greater consistency with SPP requirements and Guideline No.1 in the application of zoning.

The recommended modifications provide for an appropriate and logical, spatial expression of existing land use within the settlement. This represents fair, orderly and sustainable development and sound strategic planning in accordance with the objectives of the Act.

The planning authority is satisfied that, subject to the recommended modifications, the draft LPS meets the LPS criteria.</td></tr>
</table>

ENVIRONMENTAL MANAGEMENT ZONE	
Representation 27.	**TLC – Vale of Belvoir**
Matters Raised	Supports proposed Environmental management zoning.
Consideration of Merits	Support is noted.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

CODES	
C7.0 NATURAL ASSETS CODE	
Representation 21.	**G Bennett – 83 Richards Farm Rd, Staverton**
Matters Raised	Appears to be objecting to the Priorty Vegetation Area (PVA) overlay. Unsure what the reference to 'E zones' is. The submission has included an extract of the Environmental Management Zone which does not apply to this property. Submits that values described in the PVA report are incorrect as has been mapped as native vegetation but has been blackberry and is now grassland and trees. The submission states that quoll species are not in this area. Submits that the larger area is regrowth, not viminalis, and has suffered extensive damage in the recent wind storm and will need to be partly cleared to re-fence the boundary line. The representation submits that the PVA overlay (E Zones?) destroy property rights, lock up areas of land with no compensation, forces landowners to maintain these areas at their own expense, rates payable on land that cannot make economic return, reduced to existing use rights only, increases bushfire risk. Queries definition of riparian zones.
Consideration of Merits	Without verification by qualified expertise in vegetation identification and habitat, it cannot be recommended that the overlay is removed.

	It is noted that Tasveg. 3.0 on which the overlay is based has inaccuracies, however 'Tasveg Live' which is current, still has the two clumps mapped as Threatened Native Vegetation Communities (TNVC). This would only be removed from Tasveg Live if a qualified ecologist verifies that it is not a E viminalis community. Fencing is exempt from the TPS, however the Forest Practices Act picks up TNVC's as 'vulnerable land' and similarly, an ecologist/FPO assessment would be required to either exempt a requirement for a FPP, or allow the removal. Applying the PVA overlay to areas identified as having ecological value, particularly TNVC's, is a requirement of the TPS. The overlay can be amended however with a qualified ecological assessment that demonstrates that the mapped values are not, in fact, present on the site.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 25.	**J Saunders – 908 Staverton Rd, Staverton**
Matters Raised	The representation is identical to Representation 21 above, however the property is not subject to the Priorty Vegetation Area (PVA) overlay and is proposed for Rural zoning.
Consideration of Merits	Comments in response to Representation 21 above are reiterated. Applying the PVA overlay to areas identified as having ecological value, particularly TNVC's, is a requirement of the TPS. The overlay can be amended however with a qualified ecological assessment that demonstrates that the mapped values are not, in fact, present on the site.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

Representation 32.	**M Purgar – 48 Richards Farm Rd, Staverton**
Matters Raised	The representation makes similar submissions to representations 21 and 25 above, in regard to the inaccuracy of Priority Vegetation Area (PVA) on the property. The representor queries the Waterway and Coastal Protection Area overlay - refers to 'zone'. Objects to inclusion due to lack of information.
Consideration of Merits	Comments in response to representations above are reiterated. Without verification by qualified expertise in vegetation identification and habitat, it cannot be recommended that the overlay is removed. It is noted that Tasveg. 3.0 on which the overlay is based has inaccuracies. However, applying the PVA overlay to areas identified as having ecological value, particularly TNVC's, is a requirement of the TPS. The overlay can be amended however with a qualified ecological assessment that demonstrates that the mapped values are not, in fact, present on the site. The Waterway and Coastal Protection Area overlay maps all of the inland watercourses and applies a buffer based on the category of stream that is used for assessments under the Forest Practices System. Smaller streams have a lesser buffer and these are widened, the more substantial the watercourse. Irrespective of the overlay being applied to the land, the buffers are applied through the application section in the code for all identified watercourses and the table in the code allocates the associated buffer distance. Mapping the watercourses in the overlay is considered to be more informative, as it provides a clear indication of where the provisions relating to watercourses occur on the land. Normal agricultural activities are not regulated by the overlay.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 34.	**M Maxfield – 655 Staverton Rd, Staverton**
Matters Raised	The representation queries the meaning of the Priority Vegetation Area (PVA) overlay mapping.
Consideration of Merits	The diagram attached to the representation is the Priority Vegetation Report, which explains the data groups that collectively form the PVA overlay map. The particular information identified is that there is a small area of remnant vegetation on the northern boundary of the land, that was identified at the time that Tasveg 3.0 mapping was compiled. Remnant vegetation often provides

	habitat for threatened species, which is why the report also identifies habitat for spotted tail quoll and Tasmanian devil. This habitat is usually identified in the vegetation model because of threatened species records nearby. It is noted however, that aerial photography shows that the vegetation has been cleared at some point in time. The overlay map only applies when clearance of native vegetation is proposed.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 4.	**Tasmanian Land Conservancy**
Matters Raised	Application of the Priority Vegetation Area (PVA) overlay should apply to all covenanted land
Consideration of Merits	The submission is not supported. The TPS stipulates that the PVA overlay is to apply to particular zones. Applying zoning for the purposes of the application of a natural values overlay instead of land use, is not an appropriate approach to application of zoning. The application of the PVA overlay does not affect, or diminish, the statutory obligations under the covenant to manage and protect the natural values
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
C12.0 FLOOD PRONE AREAS CODE	
Representation 6.	**A Murphy - 55 Morrison St, Railton**
Matters Raised	Submits that flood map over property is inaccurate as it has not flooded in 3 events due to the land being at a higher elevation.
Consideration of Merits	The flood level represented in the overlay is derived from levels taken on the ground by Council officers during the 2011 event, which was the highest recorded and known to reflect the 1% AEP storm event. It is noted however, that this may be prone to some inaccuracy and it is considered appropriate to review the topography and levels in more detail together with engineering advice to produce a more accurate overlay map.

Recommendation	It is recommended that the draft LPS be modified to provide for a more accurate flood overlay map for Railton.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 8.	**B Johnson - 53 Morrison St, Railton**
Matters Raised	Representation refers to Representation 6 above and adjoins that property. Representation also submits that the flood map over the property is inaccurate as it has not flooded in 3 events due to the land being at a higher elevation.
Consideration of Merits	The response to Representation 6 above is reiterated. The flood level represented in the overlay is derived from levels taken on the ground by Council officers during the 2011 event, which was the highest recorded and known to reflect the 1% AEP storm event. It is noted however, that this may be prone to some inaccuracy and it is considered appropriate to review the topography and levels in more detail together with engineering advice to produce a more accurate overlay map.
Recommendation	It is recommended that the draft LPS be modified to provide for a more accurate flood overlay map for Railton.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
C4.0 ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE	
Representation 21.	**G Bennett – 83 Richards Farm Rd, Staverton**
Matters Raised	Objects to inclusion of the ETIP Corridor overlay. Queries expansion of existing easement. The representor appears to submit that the part of the overlay that has no powerline in it is a proposed new line, rather than the existing unregistered wayleave easement.
Consideration of Merits	TasNetworks have confirmed that a corridor section of the overlay is related to a prior powerline alignment that has since been removed and that there are not plans to reconstruct a powerline in the unregistered wayleave easement in the future. It is a redundant easement. TasNetworks advised that the reason the transmission corridor has gaps, is that those landowners have

engaged the process to have the easement officially removed. This process is available to other landowners where the easement still exists, despite there being no powerline.

Given TasNetworks advice, it is appropriate to remove that section of the corridor that is redundant due to the regulatory impact of provisions of the code on existing development within it.

The section to be removed is shown in Figure 53 below.

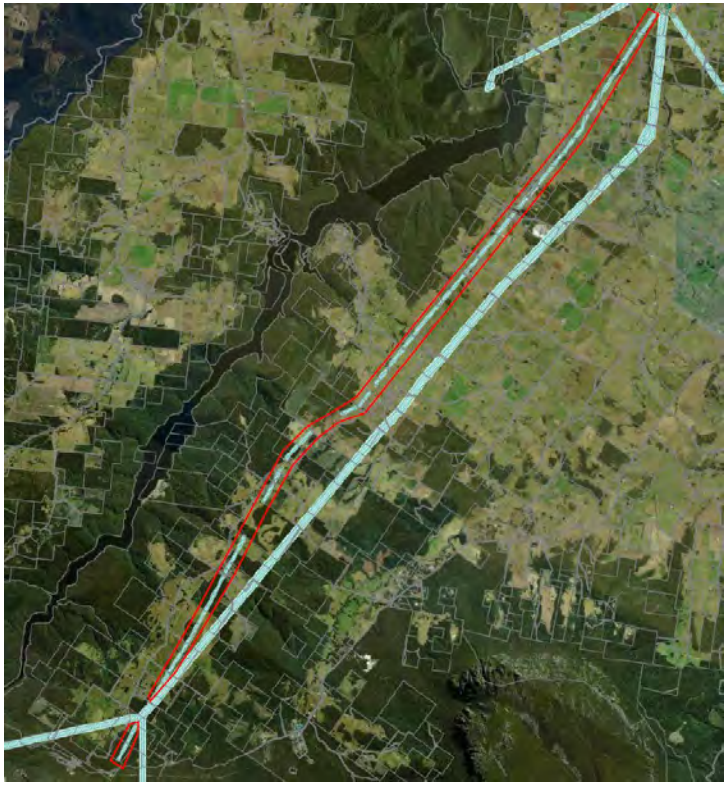


Figure 53: Section of redundant transmission corridor outlined in red.

Recommendation	It is recommended that the Draft LPS is modified to delete the Electricity Transmission Corridor overlay outline red in Figure 53:
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels and section of redundant powerline easement and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 30.	**L Jones – 391 Staverton Rd, Staverton**
Matters Raised	Objects to transmission corridor overlay on property. The representor appears to submit that the part of the overlay that has no powerline in it is a proposed new line, rather than the existing unregistered wayleave easement.
Consideration of Merits	The representation relates to the same section of redundant powerline easement discussed in response to Representation 21 above. As discussed above, TasNetworks have confirmed that the easement is redundant and it is recommended that the transmission corridor overlay map for the redundant section is deleted.
Recommendation	It is recommended that the Draft LPS is modified to delete the Electricity Transmission Corridor overlay outline red in Figure 53:
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels and section of redundant powerline easement and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 32.	**M Purgar – 48 Richards Farm Rd, Staverton**
Matters Raised	Objects to transmission corridor overlay on property. The representor appears to submit that the part of the overlay that has no powerline in it is a proposed new line, rather than the existing unregistered wayleave easement.
Consideration of Merits	The representation relates to the same section of redundant powerline easement discussed in response to representations 21 and 30 above. As discussed above, TasNetworks have confirmed that the easement is redundant and it is recommended that the transmission corridor overlay map for the redundant section is deleted.
Recommendation	It is recommended that the Draft LPS is modified to delete the Electricity Transmission Corridor overlay outline red in Figure 53:

Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels and section of redundant powerline easement and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 34.	**M Maxfield – 655 Staverton Rd, Staverton**
Matters Raised	Concerns in regard to transmission corridor overlay on property.
Consideration of Merits	The representation relates to the same section of redundant powerline easement discussed in response to representations 21 and 30 above. As discussed above, TasNetworks have confirmed that the easement is redundant and it is recommended that the transmission corridor overlay map for the redundant section is deleted.
Recommendation	It is recommended that the Draft LPS is modified to delete the Electricity Transmission Corridor overlay outline red in Figure 53.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels and section of redundant powerline easement and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

GENERAL	
Representation 16.	**E. Dale – West Kentish – Rural Housing**
Matters Raised	Raises issues regarding a lack of affordable housing and allowing for multiple occupancy/ownership on rural and semi-rural blocks, with multiple dwellings on one title. This type of housing option would provide social, economic and environmental benefits – affordability, growing food, energy efficiency, knowledge sharing and social community. Unsure how this may be achieved in the planning system and LPS.
Consideration of Merits	Acknowledging the matters raised, this would require an amendment to the State Planning Provisions in the TPS which cannot be considered as part of the LPS process. This issue can only be recommended by Council, under a separate legislative process. The suggested potential approach to housing has been raised as part of State Housing Strategy, however it is reasonably clear that this option is not supported by the Draft Tasmanian Planning Policies (TPPs) that are currently being assessed by the TPC. The TPPs promote higher densities only in settlements, with very limited consideration of rural residential intensification.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 18.	**G & R Page – 759 Claude Rd – Rural Housing**
Matters Raised	The representation suggests providing for group titles in the rural zones to provide for sustainable communities. References a QLD example - Crystal Waters permaculture village. The representation notes an override capability for local Council, but appears to be suggesting a general capability, not a particular site.
Consideration of Merits	Comments as above. Acknowledging the examples raised, this would require an amendment to the State Planning Provisions in the TPS which cannot be considered as part of the LPS process. This issue can only be recommended by Council, under a separate legislative process.

	The suggested potential approach to housing has been raised as part of State Housing Strategy, however it is reasonably clear that this option is not supported by the Draft Tasmanian Planning Policies (TPPs) that are currently being assessed by the TPC. The TPPs promote higher densities only in settlements, with very limited consideration of rural residential intensification. The override available under s.32(4) of the LUPAA can only apply to specific land, when it can be demonstrated that a proposal meets the legislative criteria.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 21.	**G Bennett – 83 Richards Farm Rd, Staverton - Legal Issues**
Matters Raised	6 year time lag and poor nexus between consultation and public exhibition leaves the scheme open to legal challenge. The impacts of applying the PVA overlay and the new TasNetworks easement without proper consultation will be avenues for legal challenge.
Consideration of Merits	Unsure of reference to consultation as Kentish Council did not conduct preliminary consultation on the Draft LPS. The timeframe between initial lodgement of the draft following Council meeting 21 April 2020 and this exhibition stage has involved liaison with TPC for resolution of numerous matters to enable a notice for exhibition to be issued.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

STATE AGENCIES	
Representation 57.	**Tasmanian Heritage Council**
Matters Raised	Noting the absence of local heritage places, THC encourages Council to undertake a local heritage study across the municipality. Encourages including the 13 State listed places in the local heritage list in the TPS Code in the event that any place is deregistered at State level, it is picked up in the local list. Will assist with data and information.
Consideration of Merits	The submission and advice is noted. The undertaking of a local heritage study across the municipality will require substantive resources to be allocated. The submission does not commit to funding assistance. The inclusion of places in the local heritage list in the LPS will require the drafting of a locally relevant data sheet for each property, including those places that are already listed on the Tasmanian Heritage Register. The preparation of data sheets will be of substantive cost and it is not considered necessary while those places are protected under the Historic Cultural Heritage Act through listing on the Tasmanian Heritage Register. Council will consider inclusion of those places in the LPS in the event they are deregistered.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 58.	**Hydro Tasmania**
Matters Raised	Submits for Utilities Zone over a number of Hydro Assets: • Wilmot Dam • Wilmot Power Station • Devils Gate Power Station and dam • Paloona Dam and Power Station
Consideration of Merits	The representation is supported. Application of the Utilities Zone over the sites outlined in the representation is consistent with the application of the zone in numerous LPS's across the State.
Recommendation	Apply the Utilities Zone over Hydro assets as submitted in the representation.

Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 59.	**Tasrail**
Matters Raised	Submits that all parcels that make up the State rail network should be zoned Utilities. Notes a zoning anomaly at Mersey lea Rd crossing. Notes safety concerns re lack of fenced separation at the Harold Park Reserve at Railton, adjoining Open Space Zone. Submits concerns in regard to location of private forestry within flood plains and risk to rail infrastructure with dislodged trees during a major flood event, damaging or destroying rail infrastructure.
Consideration of Merits	The correction of the identified zoning anomaly is supported. Safety concerns are noted, however fencing matters are exempt from the jurisdiction of the planning scheme. Private forestry is outside the jurisdiction of the planning scheme and is regulated by the Forest Practices System. This is a matter more appropriately addressed with the Forest Practices Authority.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 60.	**Department Natural Resources & Environment**
Matters Raised	1. Submits that the following Crown land parcel should be Environmental Management Zone: • Dove River Regional Reserve: proposed for Rural Zone; 2. Submits that Future Potential Production Forest (FPPF) land should be zoned Rural Zone: • Moina PID 3394789 proposed for Environmental Management • Badgers Range (part), proposed for split zoning between Environmental Management Zone (EMZ) and Rural Zone. 3. Submits that land containing Threatened Native Vegetation Communities (TNVC's) should be zoned Rural Zone to enable application of the Priority Vegetation Area overlay. 4. Submits that all Wedge Tail Eagle and Masked Owl nests and associated buffers should be included in the PVA overlay mapping.

	5. Geo-conservation – Submits that various geo-conservation sites should be included in the EMZ. Some are partially or fully outside the EMZ.
Consideration of Merits	1. Environmental Management zoning of Dove River Regional Reserve is supported. Adjoining land outside of the reserve has the plantation resources. 2. The are two areas of FPPF in Environmental Management Zone (EMZ) that have been carried over from the Interim Scheme. The Badgers Range area also has an important recreation and landscape context for the Sheffield community and therefore, continuation of the EMZ is preferred. It is noted this issue has been referred to Sustainable Timbers Tasmania for comment. To date, no response has been received. 3. The submission is not supported. TNVC's are also regulated through the forest practices system in circumstances where the planning scheme does not apply. Applying the Rural Zone for the application of a natural values overlay instead of the regulation of land use is not an appropriate approach to the application of zoning and does not represent sound strategic planning. 4. The PVA overlay map is based on the specified Tasveg.3.0 data. The review of SPPs currently underway, is the appropriate mechanism to address the changing nature of the specified data and amend the requirement to apply Tasveg. 3.0. The PVA overlay is based on the Regional Ecosystem Model. Changing data would need to be input into that model and re-run, unless the State provides an alternate overlay map. 5. Sites cannot be located on the information provided. Additional submission would need to be made indicating the extent to which the Department would like these sites covered by EMZ, in order for Council to consider the submission.
Recommendation	It is recommended that the draft LPS is modified to apply the Environmental Management Zone to the entirety of the Dove River Reserve.
Effect on Draft LPS as a Whole	The recommendation relates to a specific cadastral parcel/reserve only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 61.	**State Emergency Service**
Matters Raised	1. Supports use of the flood prone area overlay at Railton. Notes that this will need to be amended after flood mitigation works are completed. 2. Advises of the State project to map flood prone areas, which will apply to areas not currently mapped and of draft guidance being prepared to assess information for flood prone areas that are not mapped. 3. Supports the use of zoning that manages density in flood prone areas.

Consideration of Merits	Submissions are noted. The flood mitigation work may also assist in addressing representations relating to the accuracy of the overlay map at Railton.
Recommendation	It is recommended that the LPS is not modified in response to the representation.
Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 62.	**Department of State Growth**
Matters Raised	Highlighted a small number of acquired road casements that have not been included in the Utilities Zone of the State road corridor.
Consideration of Merits	Support the correction of zoning omissions.
Recommendation	It is recommended that the draft LPS is modified to apply the Utilities Zone to the acquired road parcels identified in the representation.
Effect on Draft LPS as a Whole	The recommendation relates to specific cadastral parcels only and does not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 63.	**TasNetworks**
Matters Raised	1. Submission appears to be a cut and paste exercise relating to prior submission, as some matters are not applicable to the notified LPS eg. Landscape Conservation Zone (LCZ), which is not applied in the Draft LPS. However, the submissions are relevant to other representations and Council's support of the LCZ over those properties. 2. Issues with application of the Landscape Conservation Zone - concerns regarding apparent conflict with need to maintain corridors through vegetation clearance etc. 3. Asset not zoned Utilities – Paloona substation 4. Priority Vegetation Area (PVA) overlay should be removed from assets sites where vegetation has been cleared – Railton substation, Mt Claude Communications Station. 5. SPP issues.
Consideration of Merits	1. The LCZ is recommended for application over properties at Moina that also contain the powerline transmission corridors. The *Electricity Supply Industry Act* 1995 provides for exemption for work on electricity infrastructure from the application of the LUPAA through s.57 –

	57. Work on electricity infrastructure *Where –* *(a) an electricity entity proposes to carry out work on the construction, installation, modification, maintenance, demolition or replacement of electricity infrastructure; and* *(b) the work is of a kind classified by the regulations as work of minor environmental impact –* *the work is not to be regarded as development for the purposes of the Land Use Planning and Approvals Act 1993 and is not subject in any other way to that Act.* It is considered that the application of the LCZ will have no material effect on the ability to maintain or replace the powerline within the corridor. It is noted that the Electricity Transmission Infrastructure Protection (ETIP) Code applies over the LCZ which will protect the powerline from the impacts of use and development. 2. Electricity infrastructure assets are required to be zoned Utilities Zone. Support application of Utilities Zone over the listed assets. 3. Support removal of PVA overlay for cleared areas of assets sites. 4. The matters raised by TasNetworks have been forwarded to the TPC and Minister as part of s.35G actions by other Councils and by TasNetworks directly, seeking changes to the SPP's. It is an appropriate course of action to address deficiencies in the SPP's through a whole of State response through the review of the SPP's being conducted by the State Planning Office.
Recommendation	It is recommended that the draft LPS is modified as follows: 1. That the Utilities Zone is applied to the listed electricity infrastructure assets. 2. Remove the PVA overlay from cleared areas of assets sites at Railton substation and Mt Claude communications site.
Effect on Draft LPS as a Whole	The recommended modifications relate to specific sites and do not affect the draft LPS as a whole.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.
Representation 64.	**Taswater**
Matters Raised	Have reviewed Draft LPS and have no submission to make.
Consideration of Merits	Noted
Recommendation	It is recommended that the LPS is not modified in response to the representation.

Effect on Draft LPS as a Whole	No modification recommended – Not applicable.
LPS Criteria	The planning authority is satisfied that the draft LPS meets the LPS criteria.

APPENDIX 1

KENTISH DRAFT LPS - SECTION 35F REPORT RECOMMENDATIONS FOR RAILTON AND ACACIA HILLS/SOUTH SPREYTON

Railton

A number of representations have raised issues with proposed zoning at Railton that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the settlement to provide for consistency and appropriateness in potential development outcomes and in the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for emerging opportunities or to be able to justify localised provisions at this stage, under s.32(4) of the LUPAA.

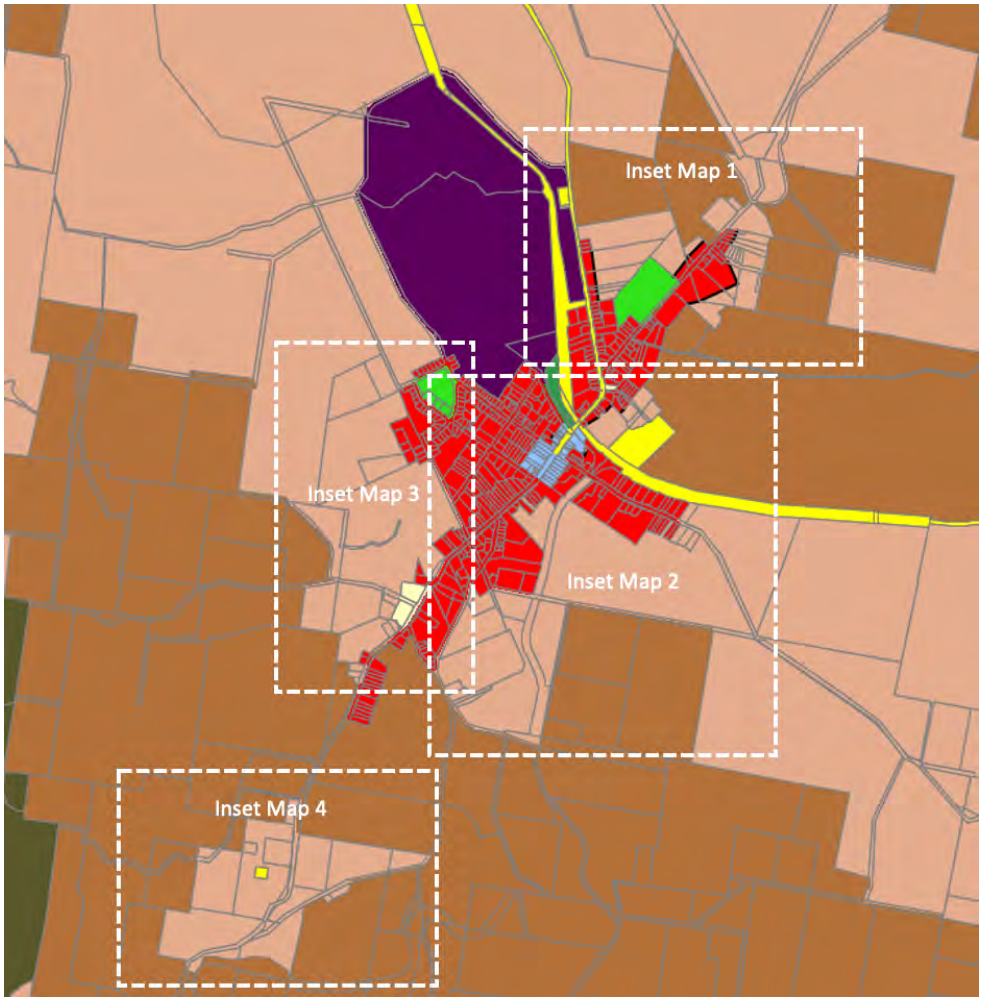
The peripheral areas of the Railton township are at considerable risk of the establishment of inappropriate and incompatible uses, as a result of the broad range of uses allowable under the Rural Zone, many of which are industrial in nature. A number of these uses are permitted status, with no applicable use standards. Examples are extractive industry, manufacturing and processing, resource processing, contractor's yards and fuel depot. A large number of uses are also allowable as discretionary status, with the use standards relating only to needing a rural location or the appropriateness of the rural location, confining use on adjoining land and impacts on agricultural land. There are no tests relating to potential for conflict with sensitive uses or locational appropriateness due to proximity to urban settlements.

Review of the land use pattern in the Railton area raises concerns regarding the potential for inappropriate uses to establish on residential sized lots, land within the settlement boundary or on land immediately adjoining the urban residential area, that if retained in the Rural Zone, would be incompatible with the existing residential area and would impede future strategic imperatives relating to matters such as town entrance presentation, township amenity and housing diversity. This is becoming increasingly important as Railton develops as a tourism hub, in response to the recent opening of the nearby mountain biking trails.

This review necessitated some additional agricultural analysis in accordance with the Section 8A Guideline for those titles that were classified as 'potentially unconstrained' for agriculture in the State Land Potentially Suitable for Agriculture Zone (LPSFAZ) mapping.

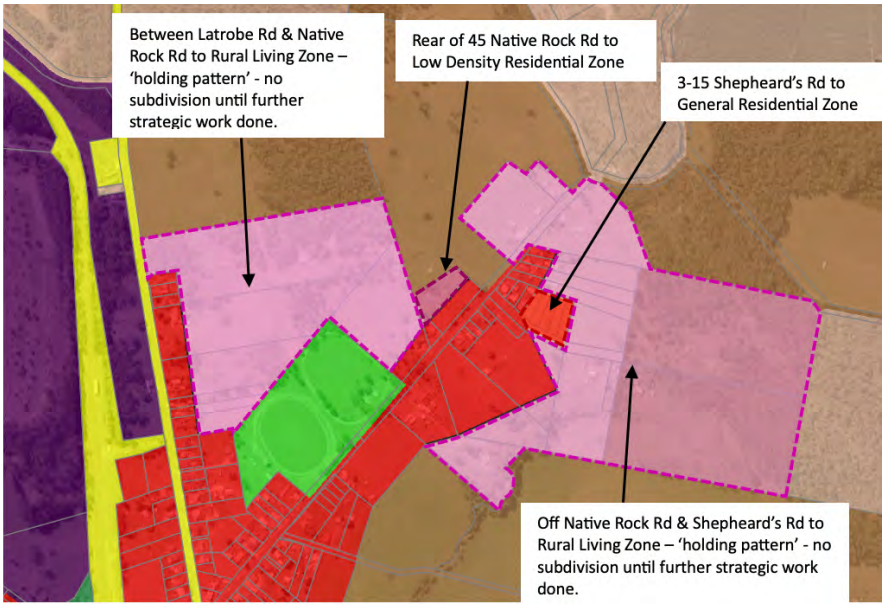
Land in close vicinity to a settlement is at greater risk of attracting industrial type uses than land that is remote, due to operational economies depending on the sector of service. Settlements are central to service areas and provide housing from which to draw employees. There are many industrial service type uses that could appropriately establish on medium size lots in settlements. The issues with the Rural Zone provisions are that there are no standards that provide for the management of scale or impacts on an adjoining urban environment. Establishment of larger scale industrial uses also risks alienating the land for future settlement expansion, with earlier strategic work for Railton clearly identifying a lack of rural-residential housing options for the settlement and also a lack of zoned industrial land.

In consideration of the matters raised in representations for Railton and applying a consistent and equitable approach in reviewing land in, and around, the settlement for potential risk and future strategic value, the following map diagrams outline the combined recommendations for modifications of the Draft LPS zoning. In combination, the representation requests for particular zonings would enable an additional 80 lots to be created. At present, strategic planning is not sufficiently advanced for the Railton to be able to justify a substantive release of additional land supply, nor is there any strategic foundation to the type of lots and uses to be provided for and where these are best located to account for potential growth. As such, the overall approach for Railton is to minimise the risk of impediment to achieving good liveability outcomes in the future by applying a 'holding pattern' to the peripheral areas until the strategic work is updated.

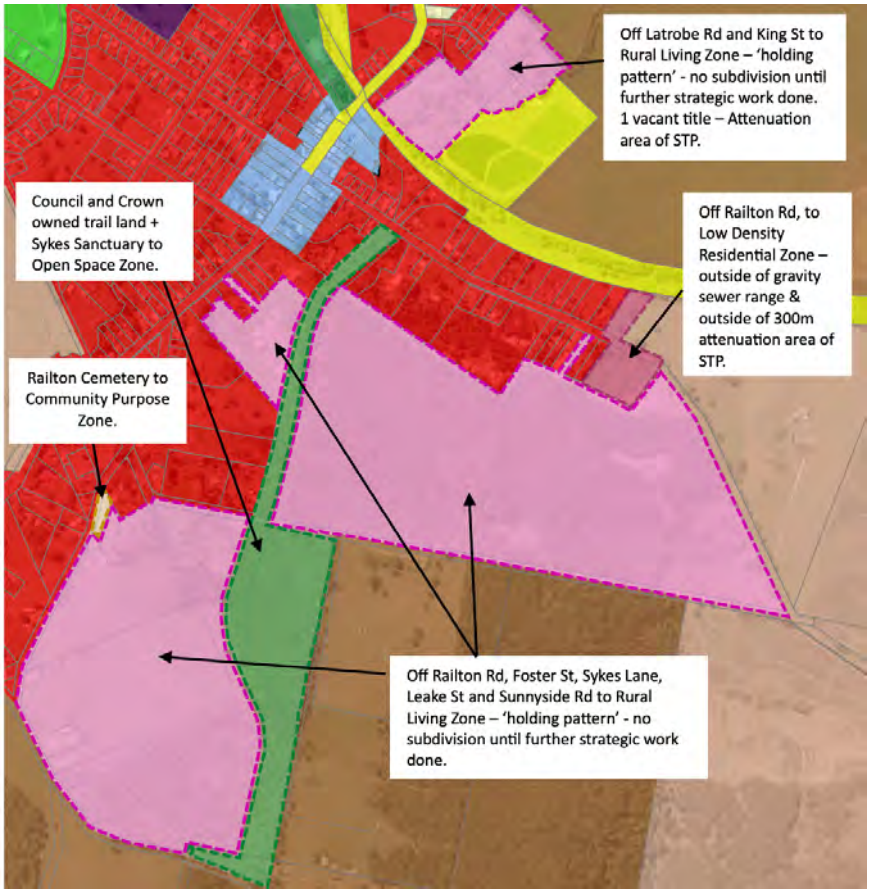


Kentish Draft LPS Zoning – Inset maps for modification

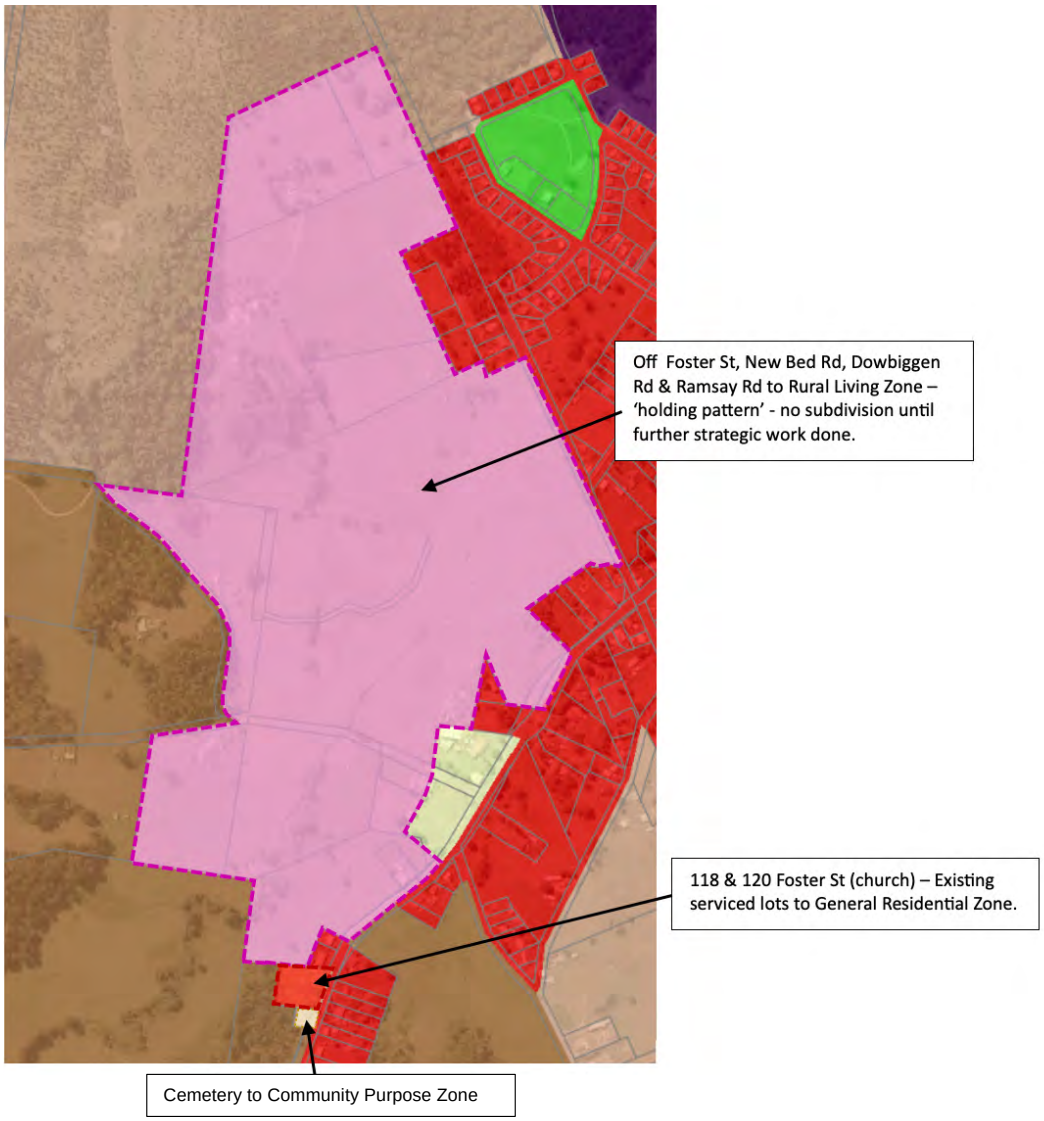
Inset Map 1 - Native Rock Rd and Shepheards Rd



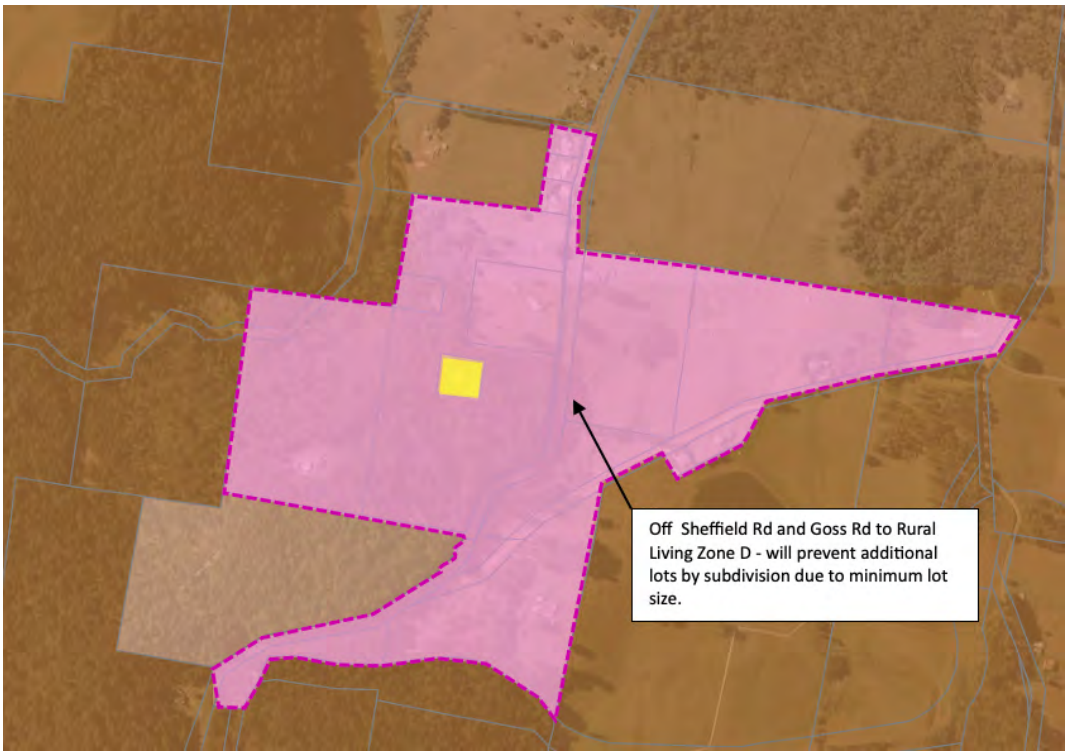
Inset Map 2 - Railton Rd and Southern Area



Inset Map 3 - Western Edge



Inset Map 3 – Sheffield Rd and Goss Rd



Acacia Hills & South Spreyton

A number of representations have requested zoning at Acacia Hills and South Spreyton such that, when considered in combination, has warranted a more holistic evaluation of the approach to zoning across the locality to provide for consistency in response and appropriateness in potential development outcomes for the strategic management of land. This ensures that aspirations for the future are not compromised through the application of the SPP zones, when local strategic planning is not yet sufficiently advanced to plan for future rural-residential land use.

Some the areas proposed for Rural zoning are at considerable risk of the establishment of inappropriate and incompatible uses, as a result of the broad range of uses allowable under the Rural Zone, many of which are industrial in nature. A number of these uses are permitted status, with no applicable use standards. Examples are extractive industry, manufacturing and processing, resource processing, contractor's yards and fuel depot. A large number of uses are also allowable as discretionary status, with the use standards relating only to needing a rural location or the appropriateness of the rural location, confining use on adjoining land and impacts on agricultural land. There are no tests relating to potential for conflict with sensitive uses or locational appropriateness due to proximity to, or within, rural-residential areas. .

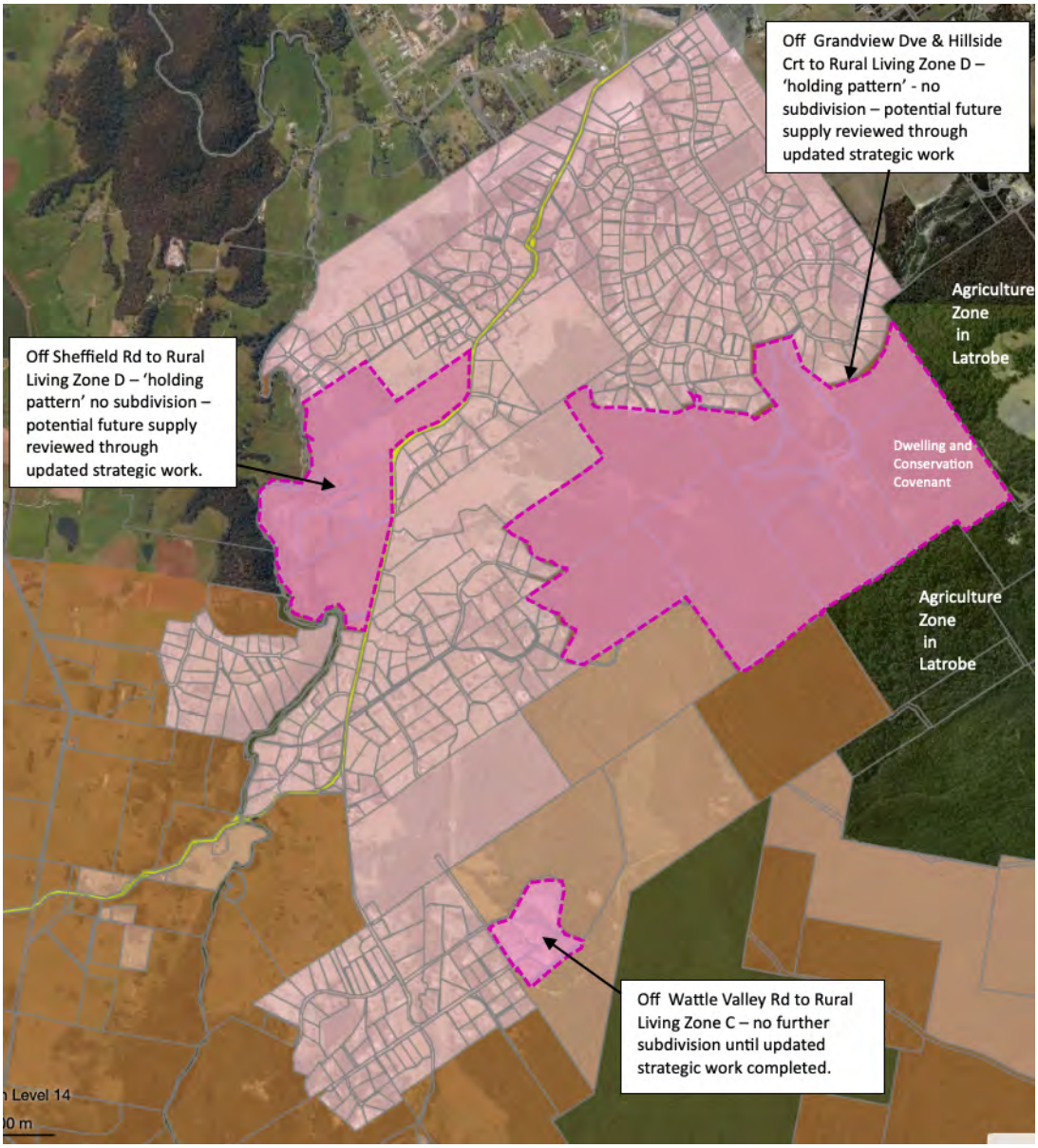
Review of the land use pattern in the Acacia Hills and South Spreyton area raises concerns regarding the potential for inappropriate uses to establish on rural-residential sized lots or land that takes access through the rural-residential area, that if retained in the Rural Zone, would be incompatible with the existing residential area.

This review necessitated some additional agricultural analysis in accordance with the Section 8A Guideline for those titles that were classified as 'potentially unconstrained' for agriculture in the State Land Potentially Suitable for Agriculture Zone (LPSFAZ) mapping. The analysis by RMCG is attached at Appendix 2.

Land in close vicinity to a settlement is at greater risk of attracting industrial type uses than land that is remote, due to operational economies depending on the sector of service. This area is considered proximate to Spreyton and Devonport, with close access to a major road, such that there is a reasonable risk of industrial type uses being attracted to Rural zoned land, due to the apparent shortage of industrial zoned land in the Devonport area.

The issues with the Rural Zone provisions are that there are no standards that provide for the management of scale or impacts on an adjoining urban environment.

In consideration of the matters raised in representations and in applying a consistent and equitable approach in reviewing land in the locality for potential risk and future strategic value for rural-residential housing opportunity, the following map diagram outlines the combined recommendations for modifications of the Draft LPS zoning. In combination, the representation requests for particular zonings would enable an additional 172 lots to be created. At present, strategic planning is not sufficiently advanced for the area to be able to justify a substantive release of additional rural-residential land supply, nor is there any strategic foundation to the type of lots to be provided for and where these are best located to account for potential growth. As such, the overall approach for Acacia Hills and South Spreyton is to minimise the risk of impediment to achieving rural-residential opportunities in the future by applying a 'holding pattern' to those lots that are likely to provide reasonable contribution to additional supply of lots in the future, until the strategic work is updated.


Off Grandview Dve & Hillside Crt to Rural Living Zone D – 'holding pattern' - no subdivision – potential future supply reviewed through updated strategic work
Agriculture Zone in Latrobe
Off Sheffield Rd to Rural Living Zone D – 'holding pattern' no subdivision – potential future supply reviewed through updated strategic work.
Dwelling and Conservation Covenant
Agriculture Zone in Latrobe
Off Wattle Valley Rd to Rural Living Zone C – no further subdivision until updated strategic work completed.
Level 14

APPENDIX 2

RMCG

Agricultural Capacity – Desktop Assessment

Kentish Council

8 December 2023

1 Introduction

OVERVIEW

RMCG have been engaged by Kentish Council to provide a desktop Agricultural Capacity Assessment of titles within identified areas of the Kentish Municipality. It is anticipated that the agricultural assessment will assist Council to identify the appropriate zone under the Tasmanian Planning Scheme (Agriculture, Rural or a non-primary industry zoning such as Rural Living).

The identified areas are shown in Appendix 1 and consist of the following:

- Railton – 17 titles in five clusters.
- Acacia Hills/South Spreyton – 19 titles in two clusters.
- West Kentish – three titles in one cluster.

Certified B Corporation

ACKNOWLEDGEMENT OF COUNTRY

Tasmania is Aboriginal land. We acknowledge the palawa and pakana, the Tasmanian Aboriginal people, as the Traditional Owners and continuing custodians of the lands, seas and waterways of lutruwita, Tasmania on which this project has been conducted. We recognise their continuing connection to land, waters and culture and pay our respects to their Elders past and present, and we acknowledge emerging leaders. Moreover, we express gratitude for the knowledge and insight that Traditional Owners and other Aboriginal and Torres Strait Islander people contribute to our shared work in Australia.

We pay respects to all Aboriginal and Torres Strait Islander communities. We recognise that Australia was founded on the genocide and dispossession of First Nations people and acknowledge that sovereignty was not ceded in this country. We embrace the spirit of reconciliation, working towards self-determination, equity of outcomes, and an equal voice for Australia's First People.

2 Methodology

The desktop assessment included identifying the agricultural characteristics of each title within each identified assessment cluster as well as the agricultural potential of each cluster as whole. The review provides a snapshot of a title's agricultural capacity and potential constraints for agricultural use. This generally provides a strong indication as to the zone a title is most suited to. Whilst some of these characteristics were included in the Agricultural Land Mapping Project (ALMP), the majority of that analysis was undertaken as a GIS exercise. In this more detailed analysis, local knowledge and context is applied in a case by case assessment rather than an automated GIS analysis based on generic rules. Whilst less objective than the automated GIS analysis, it allows consideration of specific site factors not easily incorporated when applying a generic rule set.

For titles being assessed, the following characteristics are considered:

- ALMP identified constraint level.
- Size (ha).
- Ownership (individual or with adjacent or nearby titles).
- Evidence of agricultural activities on the title from imagery available on LIST and historical imagery from Google Earth.
- Mapped Land Use, available on LIST. There is a 'Live' layer that is based on Land Use Mapping completed in 2021 with some areas subsequently updated.
- Land Capability. Published Land Capability as per the *Land Capability Handbook 1999*, by DPIPWE. All available Land Capability Mapping is available on the LIST. This is generally at a scale of 1:100,000.
- Enterprise Suitability. Utilisation of DPIPWE's enterprise suitability mapping for various crops grown in Tasmania. Available on LIST.
- Irrigation water resources. Existing water resources, including water allocations, existing dams, proposed dams, and irrigation districts (existing and proposed) are considered. Available on LIST for existing and Tasmania Irrigation website for proposed.
- Natural Values. Residual native vegetation, mapped threatened vegetation communities, and threatened flora and fauna records are considered. Available on LIST.
- Existing dwelling. Whether the title has an existing dwelling. Building points and aerial imagery available on LIST and Google Earth are used.
- Onsite reserve. Any existing onsite reserves are considered. Available on LIST.
- Adjacent reserve. Any existing adjacent reserves are considered. Available on LIST.
- Adjacent land use. Evidence of agricultural activities on adjacent titles from imagery. Available on LIST.

From considering the above characteristics we are able to categorise the likely Enterprise Scale[1] of each assessed title. Enterprise Scale defines the characteristics of four scale categories for farm businesses; Commercial, Small Scale, Hobby and Lifestyle. See Appendix 2 for further information on enterprise scale.

The clusters can then be examined to determine the predominant scale characteristics. A table and summary for each cluster which provides an overview of each cluster's agricultural land uses, enterprise scale, constraints and agricultural potential is provided. This information will assist Council to further assess the appropriate zoning under the Tasmanian Planning Scheme. It is recommended that Council use the Decision Rules that RMCG produced for Kentish Council in 2021[2] to assist with recommending zones for the titles in the identified clusters.

[1] Defined in: *Enterprise Scale – For Primary Production in Tasmania*, Report prepared to further the concept of the Rural Enterprise Concept for Flinders Local Provisions Schedule, by RMCG, dated 5 January 2022.

[2] *Review of Identified Areas Proposed for Tasmanian Planning Scheme* Zoning, by RMCG, dated October 2021.

3 Agricultural Capacity Assessment

3.1 RAILTON WEST

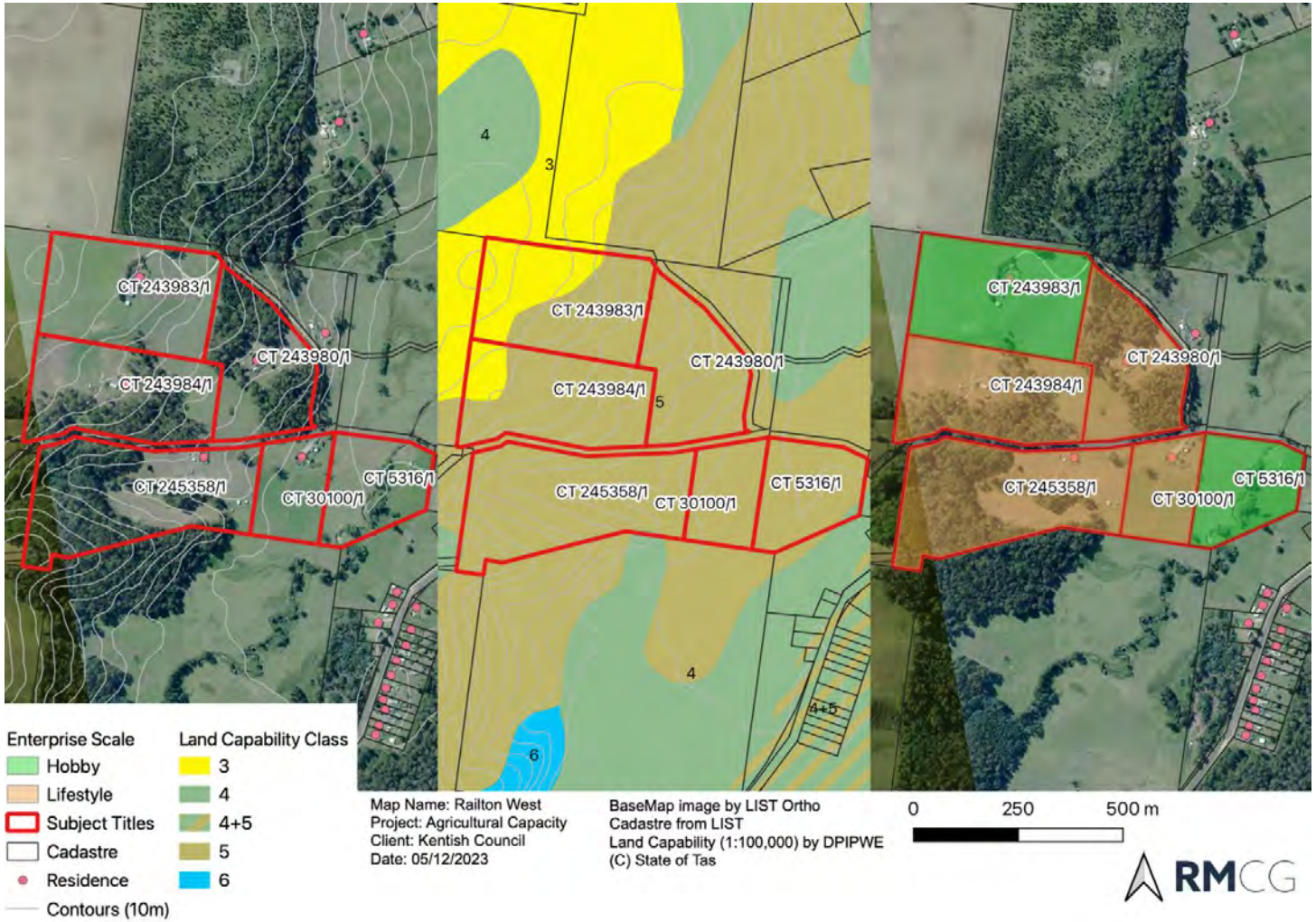


Figure 3-1: Overview of Railton West's agricultural characteristics

Table 3-1: Railton West title summary

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 245358/1 75 New Bed Rd (12.3ha)	Single dwelling. Single ownership.	Class 5	Unconstrained	None existing. Stock dam. Tributary of Redwater Creek passes through property	Residual Native Cover (7.5ha). Rural Residential without Agriculture (4.8).	Aerial imagery indicates some dryland grazing occurs.	Wet E. viminalis forest (WVI), threatened community, 7.5ha. Agricultural Land (FAG) 4.8ha.	Lifestyle
CT 243980/1 29 Hamiltons Rd (7.6ha)	Single dwelling. Single ownership.	Class 5	Unconstrained	None Existing. Small stock dam.	Residual Native Cover (4.1ha). Rural Residential without Agriculture (5.5).	Aerial imagery indicates some dryland grazing occurs.	Dry E. obliqua forest (DOB) 4.7ha. Agricultural land (FAG) 2.9ha.	Lifestyle
CT 243984/1 120 New Bed Rd (9.6ha)	Single dwelling. Single ownership.	Class 3 (1.2ha), Class 5 (8.4ha).	Unconstrained	None existing. 1 small stock dam.	Residual Native Cover (4.1ha). Rural Residential without Agriculture (5.5).	Aerial imagery indicates some dryland grazing occurs and occasional fodder conservation.	Wet E. viminalis forest (WVI), threatened community, 4.1ha Agricultural Land (FAG), 5.5ha.	Lifestyle
CT 30100/1 45 New Bed Rd (4.1ha)	Single dwelling. Single ownership.	Class 5	Constrained 2A	None existing. Small stock dam.	Rural Residential without Agriculture.	Aerial imagery indicates some dryland grazing occurs and occasional fodder conservation.	Agricultural Land (FAG), 4.1ha.	Lifestyle

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 5316/1 New Bed Rd (5.4ha)	No dwelling. Under the same ownership as one nearby residential title (9 New Bed Rd).	Class 4 (0.1ha), Class 5 5.3ha.	Unconstrained	None existing. Redwater Creek flows through the title.	Grazing modified pasture.	Title appears to be utilised for dryland grazing.	Agricultural Land (FAG)(5.4ha).	Lifestyle/ Hobby
CT 243983/1 53 Hamiltons Rd (10.2ha)	Single dwelling Single ownership.	Class 3 (4.5ha), Class 5 (5.7ha).	Unconstrained	None existing. 3 stock dams.	Rural Residential without Agriculture.	Majority of land appears to be used for grazing and aerial imagery indicates occasional fodder conservation.	Agricultural Land (FAG).	Hobby

There are six titles in this cluster, which range in size from 4.1ha to 12.3ha. All except one title has an existing dwelling. Land Use Mapping and aerial imagery indicates that dryland grazing with occasional fodder conservation on small paddocks is the only agricultural activity that occurs across the titles. CT 243983/1 and CT 243984/1 have areas of land that is mapped as Class 3 Land Capability, which is considered 'prime agricultural land' under the Tasmanian Government's *Protection of Agriculture Policy 2009*. This indicates these areas could potentially be used more intensively, however neither title has access to existing irrigation water. It is feasible that these areas could be occasionally leased by the adjacent agricultural holding to the west. WVI is mapped as being present on two titles (CT 243984/1 & CT 245358/1) which is a threatened vegetation community. Based on the characteristics, two titles have been classed as hobby scale (CT 243983/1 & CT 5316/1), with the balance assessed as lifestyle lots. It is considered unlikely that any of these titles could be developed for a commercial scale agricultural activity on their own or contribute significantly to a commercial scale agricultural activity if farmed in conjunction with other land.

Surrounding land use appears to be varied. To the west is agricultural land that is likely to be uses as part of commercial scale agricultural enterprises. Adjacent land in other directions is generally mix of hobby scale and lifestyle lots.

RAILTON EAST

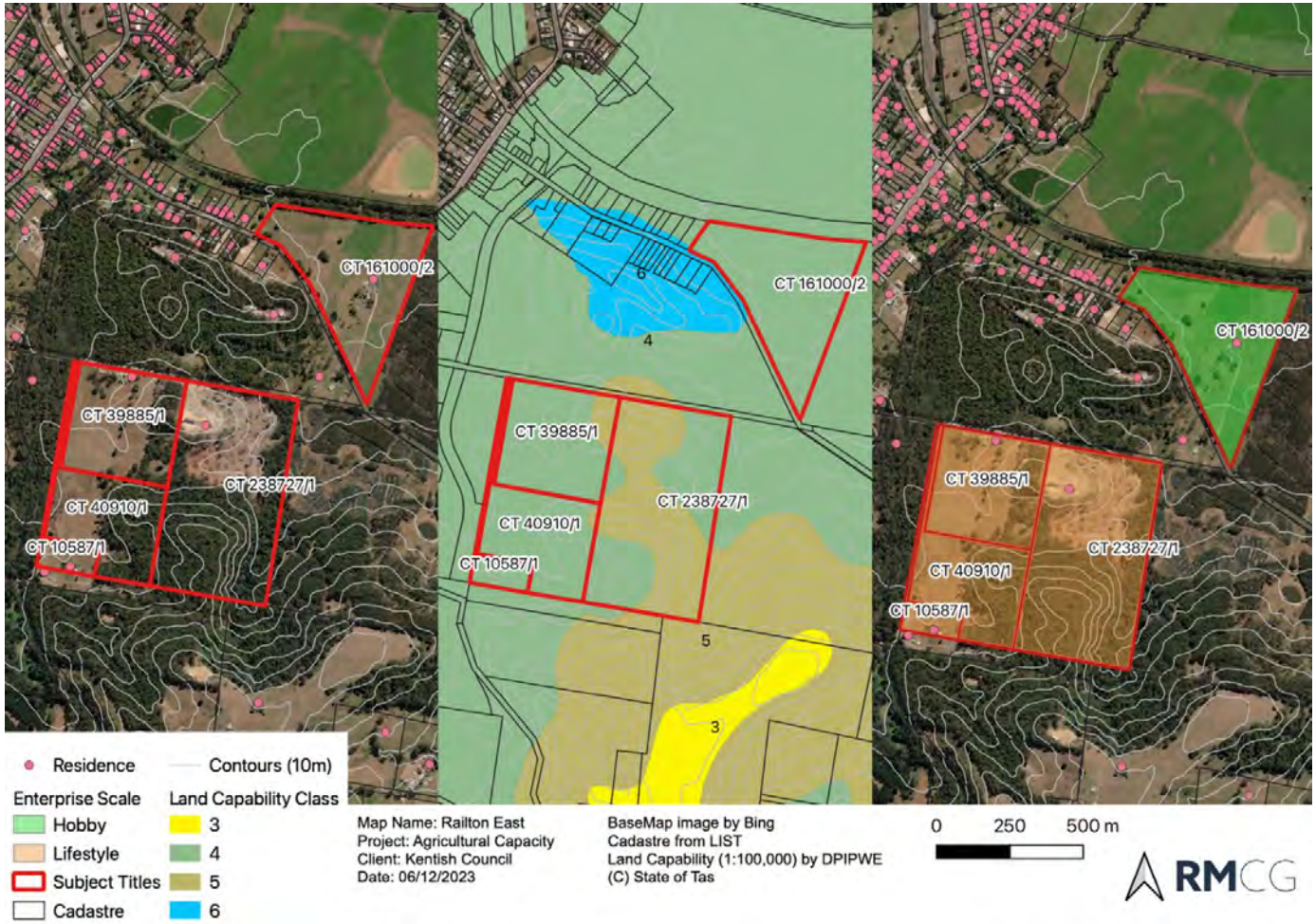


Figure 3-2: Overview of Railton East's agricultural characteristics

Table 3-2: Railton East title summary

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 161000/2 1928 Railton Rd (18.2ha)	Single dwelling. Single ownership.	Class 4	Unconstrained	None existing. Up to 70ML of water potentially available from drainage lines on property. A storage dam would be required to enable use of this water. One stock dam.	Grazing modified pasture.	Utilised for dryland grazing. Historical aerial imagery indicates that some paddocks may have previously been used for cropping and occasional fodder conservation.	Agricultural Land (FAG).	Hobby
CT 39885/1 22 Sykes Lane (13.5ha)	Single dwelling. Single ownership.	Class 4 (12.1ha), Class 5 (1.4ha).	Unconstrained	None existing. Two stock dams.	Rural Residential without Agriculture (9.7ha). Residual native Vegetation (3.8ha).	Unvegetated areas of title appear to be utilised for dryland grazing.	Dry E. obliqua forest (DOB) 4.1ha. Agricultural land (FAG) 9.4ha.	Lifestyle bordering on Hobby scale.

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 238727/1 64 Sykes Lane (27.9ha)	Single dwelling. Single ownership.	Class 4 (11.9ha), Class 5 (16ha).	Unconstrained	None existing.	Residual native Vegetation (27.9ha).	Noted that house appears to have been constructed in the last 2-3 years. Approximately 8ha of vegetation appears to have been cleared and is possibly being converted to pasture.	Dry E. obliqua forest (DOB) 27.2ha. Agricultural land (FAG) 0.2ha. Approximately 8ha of vegetation appears to have been cleared and is possibly being converted to pasture.	Lifestyle. Has hobby scale potential if further vegetation is converted to pasture.
CT 40910/1 & CT 10587/1 91 Sunnyside Rd (11.8ha & 2.4ha)	Single dwelling located on CT 10587/1. Both titles are under the same ownership.	Class 4 (13ha) Class 5 (0.2ha).	Unconstrained	None existing. Two small stock dams.	Rural Residential without Agriculture (5.6ha), Residual native Vegetation (7.6ha).	Unvegetated areas of titles appear to be utilised for dryland grazing and occasional fodder conservation.	Dry E. Obliqua forest (DOB) 7.5ha. Agricultural land (FAG) 5.7ha.	Lifestyle

There are five titles in this cluster. Four titles are adjacent to each other, while CT 16000/2 is located 220m to the north east. The titles range from 2.4ha to 27.9ha. CT 161000/2 displays hobby scale characteristics, and may have potential to access irrigation water, which would increase its agricultural potential. It is currently utilised for dryland grazing.

For the four titles in a cluster, they general display lifestyle characteristics. Although aerial imagery indicates that CT 238727/1 has cleared around 8ha of vegetation in the last 2-3 years, which is assumed has been converted to pasture. There may be scope to clear more of the existing vegetation on this title and convert to pasture which would increase its agricultural potential and scale to hobby scale. There is also a drainage line in the south east corner that could be a potential source of irrigation water.

Surrounding the cluster of four titles to the west, north and south are ‘bush blocks’. To the east is a commercial plantation. Residential titles are adjacent to the west of CT 16000/2, bush to the south, plantation to the north, and a commercial scale agricultural enterprise to the north, north of the rail corridor.

3.2 RAILTON NORTH

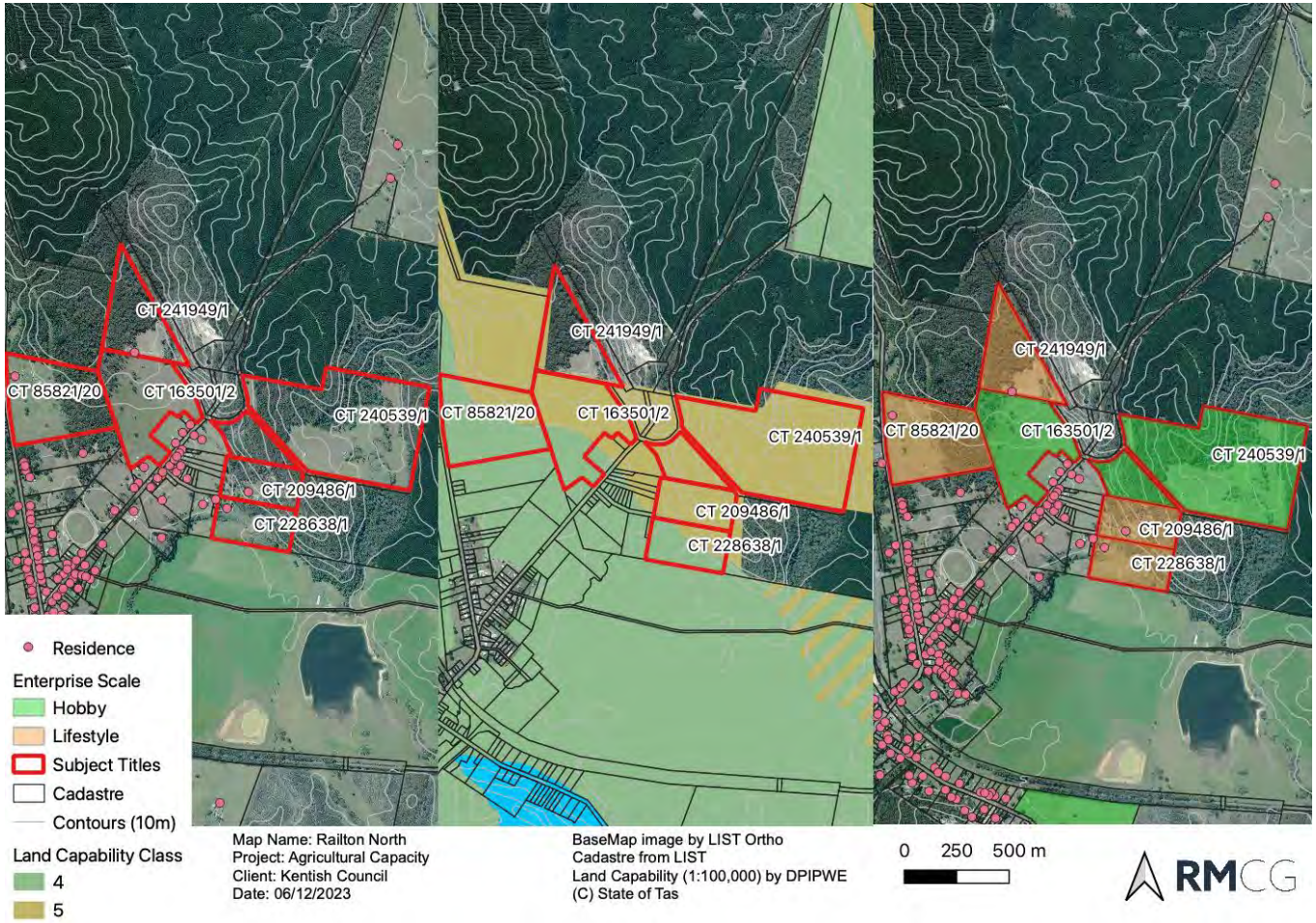


Figure 3-3: Overview of Railton North's agricultural characteristics

Table 3-3: Railton North title summary

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 85821/20 2230 Railton Rd (16.7ha)	Single dwelling. Single ownership.	Class 4 (12.1ha), Class 5 (4.6ha).	Unconstrained	None existing. 1 small stock dam.	Rural Residential without Agriculture (8.7ha). Residual Native Vegetation (8ha).	Unvegetated areas of title appear to be utilised for dryland grazing with some fodder conservation.	E. amygdalina - E. Obliqua damp sclerophyll forest (DSC) 8ha. Agricultural land (FAG) 8.7ha.	Lifestyle bordering on Hobby scale
CT 241949/1 Native Rock Rd (10.8ha)	Single dwelling. Single ownership.	Unmapped	Unconstrained	None Existing. One stock dam, which is also partially located on title to the south. The stock dam is located on a drainage line.	Rural Residential without Agriculture (3ha). Residual Native Vegetation (7.8ha).	Unvegetated areas of title appear to be utilised for dryland grazing.	E. amygdalina - E. obliqua damp sclerophyll forest (DSC) 7ha. Agricultural land (FAG) 3.8ha. Noted that around 0.8ha of area mapped as FAG appears to be covered in vegetation.	Lifestyle

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 163501/2 50 Native Rock Rd (15.7ha)	No dwelling. Owned in conjunction with land near Latrobe.	Class 4 (4.8ha), Class 5 (10.9ha).	Unconstrained	None Existing. Potentially 20ML of water available from drainage line located on title. A dam would need to be constructed to hold water. One stock dam, which is also partially located on title to the north. The stock dam is located on the drainage line.	Rural Residential without Agriculture (14.1ha). Residual Native Vegetation (1.6ha).	Unvegetated areas of title appear to be utilised for dryland grazing with some fodder conservation.	E. amygdalina - E. obliqua damp sclerophyll forest (DSC) 1.6ha. Agricultural land (FAG) 14.1ha.	Hobby
CT 240539/1 Native Rock Rd (39.4ha)	No dwelling. Under the same ownership as a nearby residential block (32 Native Rock Rd).	Class 5	Unconstrained	None existing. However there is an unregistered dam with a potential capacity of 4ML. Redwater Creek passes through the title and potentially has over 1200ML of water available for irrigation. A dam would need to be constructed to enable use of this water for irrigation.	Residual Native Vegetation (30.5ha). Grazing modified pastures (6.1ha). Mining (2.8ha).	The area mapped as mining appears to be a mistake, this area is actually grazing land. A large area of the land mapped with vegetation also appears to be pasture. Imagery shows some small areas of cropping as well as fodder conservation has occurred.	E. amygdalina forest on sandstone (DAS) 8.6ha, DAS is a threatened vegetation community. E. amygdalina forest on mudstone (DAM), 10.3ha. Acacia dealbata forest (NAD), 2.3ha. Regenerating cleared land (FRG), 1.6ha. Agricultural Land (FAG), 16.6ha.	Hobby

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 209486/1 12 Shepheards Rd (7.3ha)	Single dwelling. Single ownership.	Class 4 (0.1ha), Class 5 (7.2ha)	Unmapped	None existing	Rural Residential without Agriculture (3ha), Residual native Vegetation (4.3ha).	Mostly covered in vegetation.	E. amygdalina forest on sandstone (DAS) 5.1ha, DAS is a threatened vegetation community. Agricultural Land (FAG), 2.2ha.	Lifestyle
CT 228638/1 10 Shepheards Rd (7.6ha)	Single dwelling. Single ownership.	Class 4 (5.1ha). Class 5 (2.5ha).	Unmapped	None existing. Redwater Creek passes through the property.	Rural Residential without Agriculture (2.9ha), Residual native Vegetation (4.7ha).	Mostly covered in vegetation.	E. amygdalina forest on sandstone (DAS) 3ha, DAS is a threatened vegetation community. E. ovata forest (DOV), 1ha. DOV is a threatened vegetation community. Agricultural Land (FAG), 3.6ha.	Lifestyle

There are six titles within this cluster, which range in size from 7.3ha to 39.ha. The majority of the titles display lifestyle characteristics (CT 85821/20, CT 241949/1, CT 2098486/1 & CT 228638/1). These titles display negligible agricultural potential in their current format; however, it is noted that CT 163501/2 could potentially be farmed in conjunction with the adjacent title to the north as part of a hobby scale enterprise. CT 85821/20 has characteristics which border on hobby scale.

CT 163501/2 and CT 240539/1 both display hobby scale enterprise characteristics, and both appear to be utilised for dryland grazing with some fodder conservationNeither of these two titles have an existing dwelling. On both titles there is some scope to develop water resources for irrigation, which could enable some intensification of agricultural activities. Although it is considered unlikely that either title could be developed as a standalone commercial scale enterprise, however either could contribute to one. Or if water can be secured then potentially be developed for a small-scale agricultural enterprise. It is noted that there is approximately 6.8ha of DAS on CT 240539/1 which is a threatened vegetation community, this would limit future land clearing potential on this property.

Adjacent land to the north and east is a mix of native forest and plantations. To the south is a commercial scale agricultural enterprise, to the south west are a number of lifestyle lots. While to the west is the Cement Australia facility.

3.3 ACACIA HILLS WEST

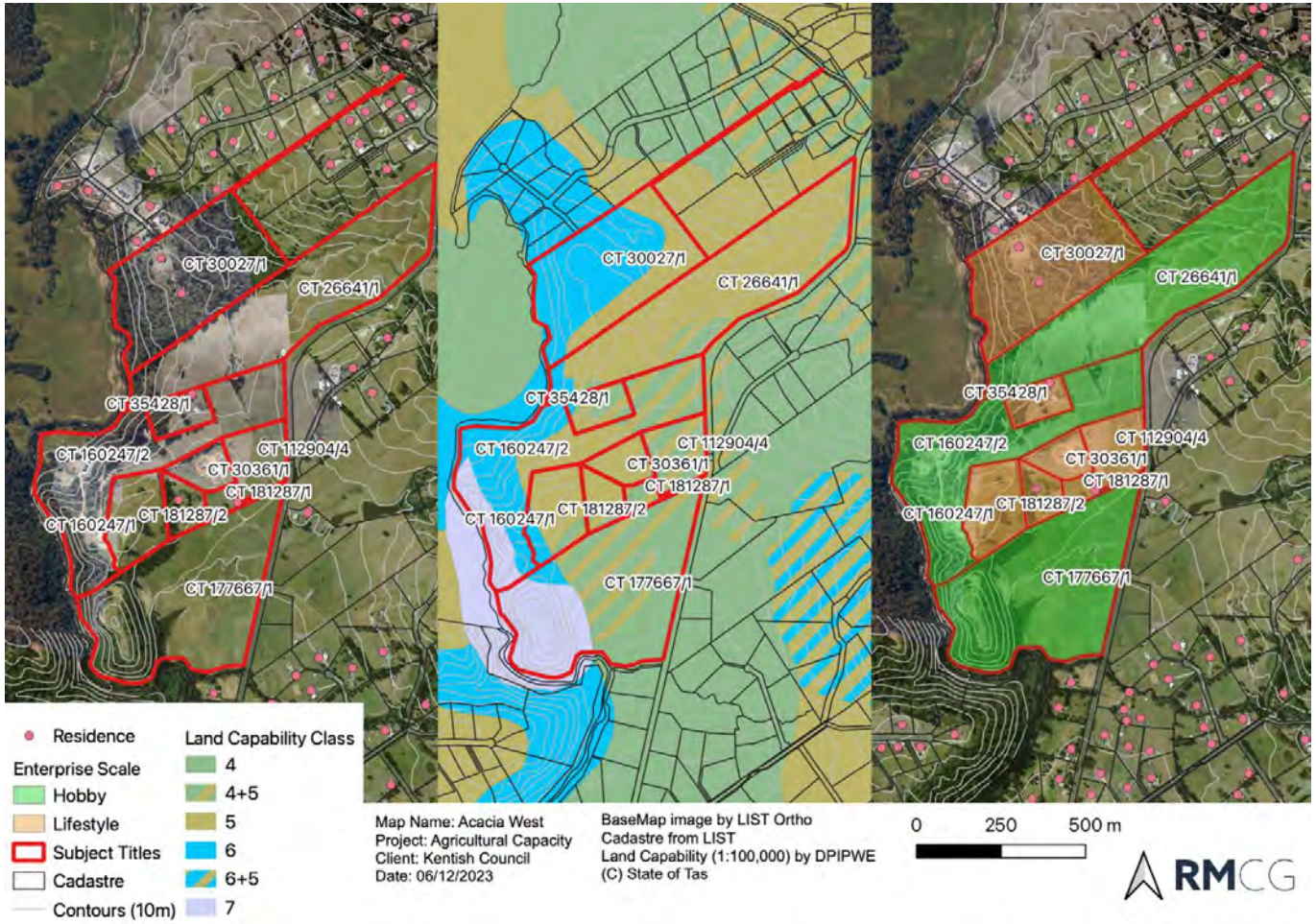


Figure 3-4: Overview of Acacia Hill West's agricultural characteristics

Table 3-4: Acacia Hills West title summary

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 30027/1 12 Gleadow Lane (14.6ha)	Two dwellings. Single ownership.	Class 5 (4.9ha), Class 6 (9.7ha).	Unconstrained	None exiting. Has frontage onto the Don River.	Rural Residential without Agriculture.	Predominately covered in native vegetation. Unlikely to be any agricultural activities occurring on site.	Wet E. viminalis forest (WVI), threatened community, 1.7ha E. obliqua wet forest (WOU), 6.1ha Acacia dealbata (NAD), 4.2ha E. obliqua forest with broaf-leaf shrubs (WOB), 0.2ha Urban areas (FUR), 2.4ha.	Lifestyle

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 26641/1 496 Sheffield Rd (20ha)	No Dwelling. Single ownership, although may be linked to 568 Sheffield Rd.	Class 4+5 (3.5ha), Class 5 (15.9ha), Class 6 (0.6ha).	Unconstrained	None Existing. Two stock dams located on the property. The title has frontage to the Don River although topography somewhat limits the feasibility of developing a small scale irrigation water resource from this source. There are three drainage lines on the property, with potential dam sites on them.	Grazing modified pasture.	Dryland grazing.	Agricultural Land (FAG).	Hobby
CT 35428/1 568 Sheffield Rd (2ha)	Single Dwelling. Single ownership, although may be linked to 496 Sheffield Rd.	Class 4+5 (1.4ha), Class 5 (0.4ha), Class 6 (0.2ha).	Constrained 2A.	None existing.	Rural Residential without Agriculture.	Some dry land grazing may occur.	E. obliqua wet forest (WOU), 0.6ha Agricultural Land (FAG), 1.4ha.	Lifestyle

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 160247/2 572A Sheffield Rd (15.5ha)	Single dwelling. Single ownership.	Class 4+5 (3.9ha), Class 5 (2.9ha), Class 6 (6.1ha), Class 7 (2.6ha).	Unconstrained	None Existing. six stock dams located on property. The title has frontage to the Don River where there are significant irrigation resources potentially available.	Rural Residential without Agriculture (7.1ha), Residual native Vegetation (8.4ha).	Dryland grazing and some fodder conservation appears to occur on areas where there is not existing vegetation.	E. obliqua wet forest (WOU), 3.4ha Agricultural Land (FAG), 12.1ha.	Hobby
CT 160247/1 572 Sheffield Rd (4.2ha)	Single dwelling. Single ownership.	Class 4+5 (0.5ha), Class 5 (2.9ha), Class 6 (0.8ha).	Unconstrained	None existing. One stock dam.	Rural Residential without.	Agriculture. Possibly small low level grazing occurring.	Urban Land (FUR).	Lifestyle
CT 181287/2 574 Sheffield Rd (1.8ha)	Single dwelling. Single ownership.	Class 4+5 (0.5ha), Class 5 (1.3ha).	Constrained 3	None existing. One stock dam.	Rural Residential without .	Agriculture. Possibly small low level grazing occurring.	Urban Land (FUR).	Lifestyle

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 30361/1 570 Sheffield Rd (2ha)	No dwelling. Single ownership. Although may be linked to 578 Sheffield Rd.	Class 4+5 (0.5ha), Class 5 (1.5ha).	Constrained 3	None existing	Sawmill.	Aerial imagery indicates that all infrastructure from the previous sawmill has been removed. There does not appear to be any uses occurring on the site except maybe occasional grazing.	Urban Land (FUR).	Lifestyle
CT 181287/1 574A Sheffield Rd (0.9ha)	Single Dwelling. Single ownership.	Class 4+5	Constrained 3	None existing	Rural Residential without Agriculture. Possibly small low level grazing occurring.		Urban Land (FUR).	Lifestyle
CT 112904/4 566 Sheffield Rd (3.2ha)	Single Dwelling. Single ownership.	Class 4+5	Constrained 3	None existing	Rural Residential without Agriculture.	Possibly small low level grazing occurring.	Urban Land (FUR).	Lifestyle

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 177667/1 578 Sheffield Rd (20ha)	Single dwelling. Single ownership. Although may be linked to 570 Sheffield Rd.	Class 4 (5ha), Class 4+5 (8.3ha), Class 6 (0.5ha), Class 7 (6.2ha).	Unconstrained	None existing. Two unregistered dams (possibly stock dams), one may have a capacity of 3ML. The title has frontage to the Don River where there are significant irrigation resources potentially available.	Residual native Vegetation (5.3ha). Grazing modified pastures (14.7ha).	Pasture areas appears to be utilised for dryland grazing and some fodder conservation.	Wet E. viminalis forest (WVI), threatened community, 4.3ha Agricultural Land (FAG), 15.7ha.	Hobby

There are 10 titles within this area. They range in size from 0.9ha to 20ha. Of the 10 titles, 8 have existing dwellings. Seven titles have been classed as having lifestyle characteristics, this due to the size, existing dwellings and/or presence of native vegetation. Three titles have been classed as having hobby scale enterprise characteristics. All three of these titles have frontage to the Don River, so may have scope to develop irrigation resources, which none currently have. All three of these titles appear to undertake dryland grazing activities only, with two also having undertaking some fodder conservation. The most northern of these three titles (CT 26641/1) is 20ha in area and does not have an existing dwelling. There may be scope to further develop the agricultural use of this title, however it is constrained by a large number of adjacent residential blocks.

Land zoned Rural Living is adjacent to the north, east and south. Adjacent to the west, on the western side of the Don River is Agricultural Land, which is within the Don Irrigation Scheme District.

3.4 ACACIA HILLS EAST

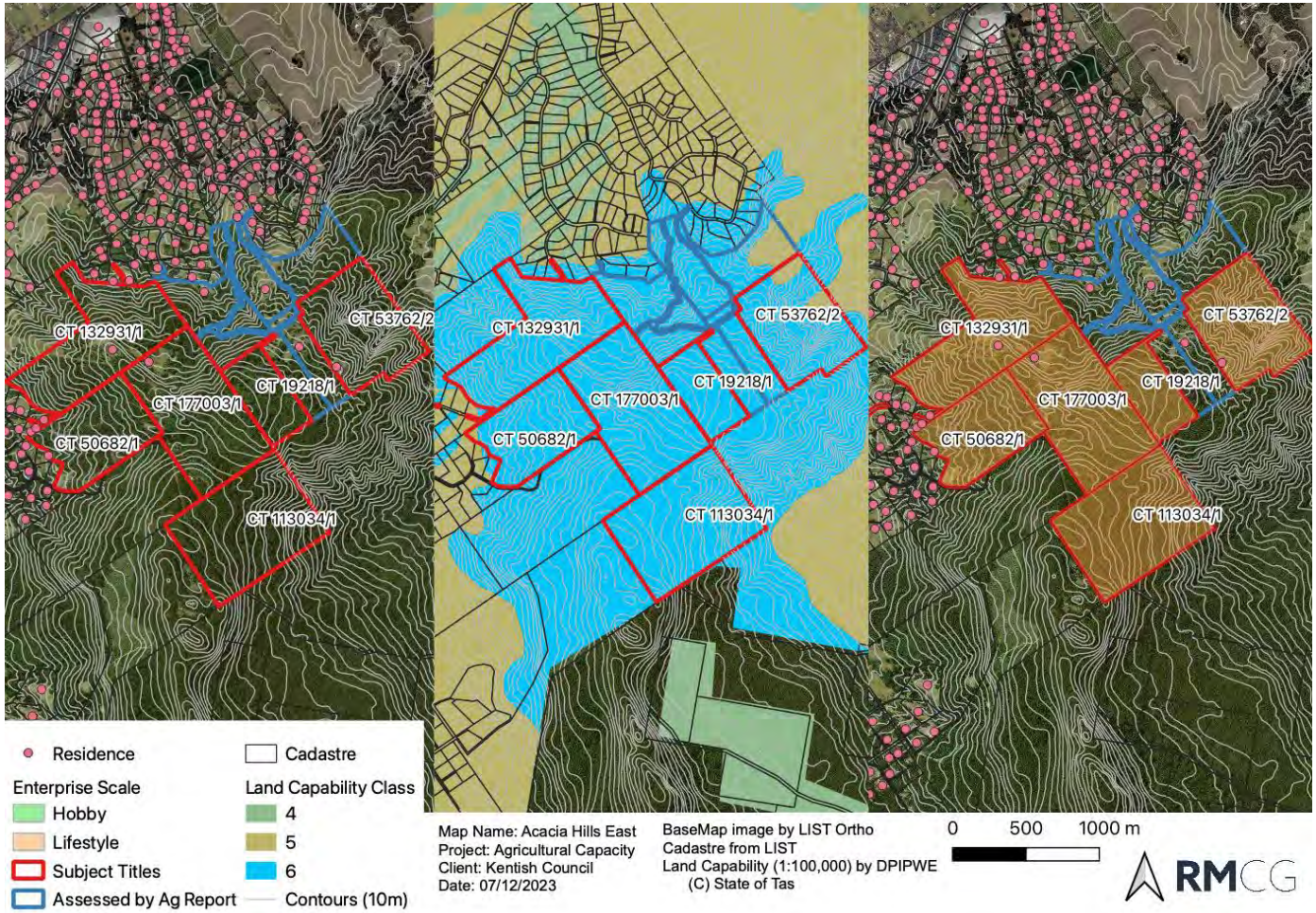


Figure 3-5: Overview of Acacia Hill East's agricultural characteristics

Table 3-5: Acacia Hills East Title Summary

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 132931/1 100 Atkins Dr (56.5ha)	Single Dwelling. Owned in conjunction with land at Nook.	Class 6	Unconstrained	None existing. Figure of Eight Creek located on title.	Rural Residential without Agriculture (54.7ha), Residual native Vegetation (1.8ha).	Noted that majority of the title is actually covered in native vegetation.	E. obliqua wet forest (WOU), 44.2ha Acacia dealbata (NAD), 9.3ha Agricultural Land (FAG), 3ha. Appears unlikely that the mapped FAG is actually used for any form of agriculture.	Lifestyle*
CT 50682/2, CT 177003/1 & CT 113034/1 (not within the area of interest) 230 James Rd (37.3ha, 59.4 & 61ha)	Single dwelling located on CT 177003/3. Three titles are owned in conjunction along with a residential title (CT 23705/3) in Penguin.	Class 5 (0.7ha), Class 6 (156.8ha).	Unconstrained	None existing. Two drainage lines located on property.	Residual native Vegetation (153.5ha). Habitat/species management area (4.2ha).	The 4.2ha area is under a conservation covenant (as compensation) and is associated with the southern of the two drainage lines on CT 50682/2. Historical aerial imagery indicates that large areas of the native vegetation have previously been logged.	Mapped vegetation communities a mix of Acacia dealbata forest (NAD, E. obliqua wet forest (WOU), E. amygdalina on dolerite forest, and E. obliqua dry forest (WOB) (total area 144.7ha). Agricultural Land (FAG) 4.2ha. This area does not look to be used for agricultural activities. Plantation for silviculture – hardwood (8.8ha). However, suspect this area is actually regenerating cleared land.	Lifestyle*

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE	LAND USE BASED ON AERIAL IMAGERY	MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 19218/1 Lot 1 James Rd (20.5ha)	No dwelling. Single ownership.	Class 6	Unconstrained	None existing .	Residual native Vegetation (9.3ha). Grazing native vegetation (11.2ha). Unclear if this actually occurs.		Bursaria-Acacia woodland (NBA), 9.3ha. E. obliqua wet forest (WOU), 9.3ha.	Lifestyle
CT 53762/2 455 Coal Hill Rd (45.2ha)	Single dwelling. Single ownership.	Class 5 (5.6ha), Class 6 (39.6).	Unconstrained	None existing. Two drainage lines.	Rural Residential without Agriculture.	The majority of the title is under a conservation covenant (Protected Areas on Private Land PAPL).	Vegetation is a mix of Acacia dealbata (NAD), Broad-leaf scrub (SBR), E. obliqua wet forest (WOU), and E. obliqua dry forest (WOB).	Lifestyle

*Title may have native forest harvesting potential, which would change its enterprise scale characteristics.

There are 11 titles within this cluster. Of this 11, six have been reviewed for their agricultural potential. The remaining five titles have had agricultural reports completed on them which details their agricultural potential. These reports were provided to Council via representations through the Kentish Local Provision Schedule public comment process. Because of this, these titles have not been reviewed as part of this desktop assessment.

The six reviewed titles range in size from 20.5ha to 61ha. Three of these titles have existing dwellings and all six titles are predominately covered in native vegetation and are mapped as predominately having a Land Capability Class of 6. From an agricultural perspective these titles have little to no agricultural potential and would best be described as lifestyle ‘bush blocks’. However, historical aerial imagery indicates some previous native forest harvesting has occurred in this area, and so some of the vegetation associated with the titles may have harvesting potential. Adjacent land to the east and north is zoned Rural Living. To the south is a mix of native vegetation and commercial plantations. To the east is a mix of native vegetation and agricultural land.

3.5 WEST KENTISH

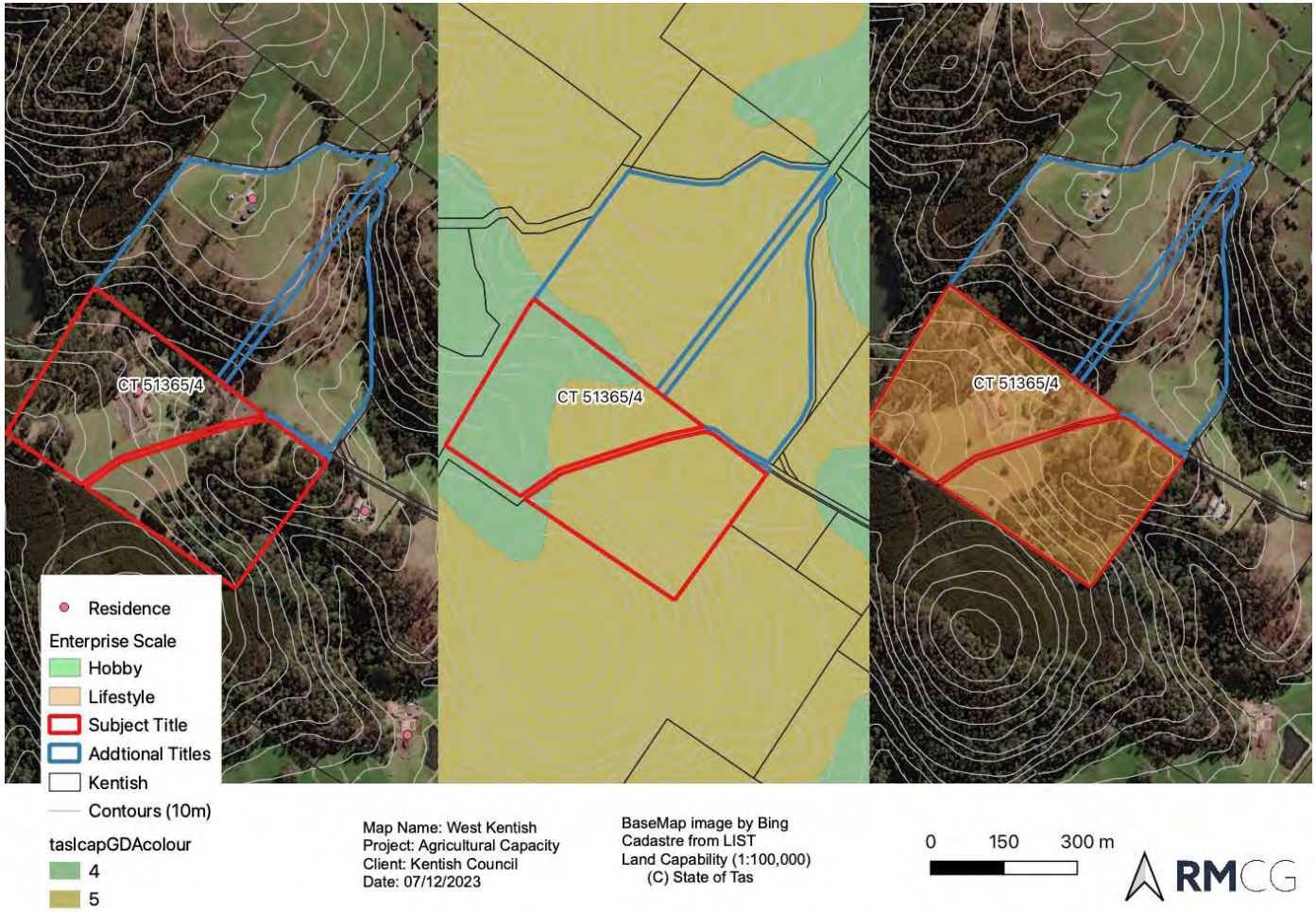


Figure 3-6: Overview of West Kentish agricultural characteristics

Table 3-6: West Kentish Title Summary

TITLE	DWELLING & OWNERSHIP	LAND CAPABILITY	AGRICULTURAL LAND MAPPING PROJECT	IRRIGATION RESOURCES	MAPPED LAND USE		MAPPED VEGETATION (TASVEG 4.0)	SCALE
CT 51365/4 326 Careys Rd (19ha)	Single dwelling. Single ownership.	Class 4 (6.7ha), Class 5 (12.3ha).	Unconstrained	None existing. Drainage line through property, with potential dam site on it.	Rural Residential without Agriculture (13.9ha), Residual native Vegetation (5.1ha).	It is noted that native vegetation covers approximately 7ha of the land mapped as rural residential.	Acacia dealbata (NAD, 6ha. E. obliqua wet forest (WOU), 6.2ha. Agricultural land (FAG), 6.8ha. It is noted that vegetation appears to cover approximately 1ha of the land mapped as FAG.	Lifestyle

There were three titles identified within this assessment area. Two titles (CT 85177/1 & CT 75122/1 at 256 Careys Rd) were not included within this assessment, as the owners provided an extract from an existing agricultural report for the property as part of their representation the Kentish Local Provision Schedule, hence a desktop assessment was not conducted. However, based on the characteristics this property appears to have small-scale producer characteristics.

The assessed title displays lifestyle characteristics, which includes what appears to be an outdoor horse arena. Adjacent land to the west and south is utilised for commercial plantation activities. To the east are what appears to be other lifestyle to hobby scale lots. While north of 256 Careys Road is agricultural land.

Appendix 1: Land Capability definitions from Grose (1999)

Prime agricultural land as described in the Protection of Agricultural Land Policy 2009:

CLASS 1: Land well suited to a wide range of intensive cropping and grazing activities. It occurs on flat land with deep, well drained soils, and in a climate that favours a wide variety of crops. While there are virtually no limitations to agricultural usage, reasonable management inputs need to be maintained to prevent degradation of the resource. Such inputs might include very minor soil conservation treatments, fertiliser inputs or occasional pasture phases. Class 1 land is highly productive and capable of being cropped eight to nine years out of ten in a rotation with pasture or equivalent without risk of damage to the soil resource or loss of production, during periods of average climatic conditions.
CLASS 2: Land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. However, the level of inputs is greater, and the variety and/or number of crops that can be grown is marginally more restricted, than for Class 1 land. This land is highly productive but there is an increased risk of damage to the soil resource or of yield loss. The land can be cropped five to eight years out of ten in a rotation with pasture or equivalent during 'normal' years, if reasonable management inputs are maintained.
CLASS 3: Land suitable for cropping and intensive grazing. Moderate levels of limitation restrict the choice of crops or reduce productivity in relation to Class 1 or Class 2 land. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use. Land is moderately productive, requiring a higher level of inputs than Classes I and 2. Limitations either restrict the range of crops that can be grown or the risk of damage to the soil resource is such that cropping should be confined to three to five years out of ten in a rotation with pasture or equivalent during normal years.

Non-prime agricultural land as described in the Protection of Agricultural Land Policy 2009:

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. In some 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.
CLASS 7: Land with very severe to extreme limitations which make it unsuitable for agricultural use.

Appendix 2: Farm Business Scale Characteristics

Table A2-1 summarises a number of key characteristics associated with each scale. No single characteristics is considered definitive and there will be overlap and anomalies. Table 2-1 can be used to determine the scale of the existing farm business and/or the potential scale based on the characteristics.

Table A2-1: Farm business scale characteristics

INDICATIVE CHARACTERISTICS	COMMERCIAL SCALE	SMALL SCALE PRODUCER	HOBBY SCALE	LIFESTYLE SCALE
Relevance for primary production	Dominant activity associated with the farm business is primary production. Likely to be viable. Capacity to produce sufficient profit for a family and full-time employment of one person.	Dominant activity associated with the farm business is primary production. Likely to be viable in time, potentially through cooperative arrangements, higher value products, downstream processing, complementary food, recreation, hospitality, tourism or value adding. If running livestock, then current carrying capacity is at least average DSE/ha for their area.	Land used for some primary production. Occupant/family needs to be supported by non-primary production income and/or off-farm income.	Little or no relevance for primary production.
Producer aspirations	Shows commercial intent in primary production. Have a marketing strategy. Business focused with production decisions made on economic principles.	Shows commercial intent in primary production. Have a marketing strategy. Business focused with production decisions made on economic principles. Work with other small scale producers to share marketing and resources.	Profitability is not a high priority in primary production decisions and viability cannot be demonstrated.	Profitability has very low relevance. Lifestyle is the dominant motivation for any primary production activity.
Labour (FTE) for the primary production	At least 1 FTE	Likely to be at least 0.5 FTE	Likely to be less than 0.5 FTE.	
Indicative Gross Income from Primary Production	Greater than $300 000 from the farm business with additional income derived from value adding or off-farm generally comprising less than 50% of total household income.	Generally, between $40 000 and $300 000 from the farm business. Total household income is generally derived from several income streams of which primary production is one. Primary production income often comprises less than 50% of total household income.	Generally, between $10 000 - $40 000 from the farm business with additional household income comprising more than 50% of total household income.	<$10 000 from the farm business.

INDICATIVE CHARACTERISTICS	COMMERCIAL SCALE	SMALL SCALE PRODUCER	HOBBY SCALE	LIFESTYLE SCALE
Land and Water resources (general characteristics)	Total land area for mixed farming is likely to be 200ha-500ha or more, depending on Land Capability, water resources and farm business activity mix. Land area for vineyards, orchards or berries is likely to be at least 10ha-20ha and likely more. Land area generally comprising of a number of titles farmed together. Irrigation is generally necessary for smaller land areas to be viable and/or for higher value products.	For livestock producers generally 40-80ha in one or two titles. Generally, 8-40 ha in area and a single title for other ventures. Water for irrigation likely, but it depends on the farm business activity. The land and/or water resources associated with the farm business may have the capacity to contribute to a 'commercial scale' farm business depending on the degree of constraint.	Generally, 8-40 ha in area and a single title. Water for irrigation less likely, but possible, depending on location and cost of supply. The land and/or water resources associated with the title may have the capacity to contribute to a 'commercial scale' farm business depending on the degree of constraint.	Generally, 1-8 ha in area. Land Capability variable. Water for irrigation highly unlikely. No capacity to contribute to a commercial scale farm business due to constraining factors.
Connectivity	Few constraints likely. Likely to be well connected to other unconstrained titles, Expansion and/or intensification feasible.	Some constraints likely. Residences on majority of adjacent titles. Low connectivity to unconstrained titles.	Some constraints likely. Residences on majority of adjacent titles. Low connectivity to unconstrained titles.	Moderate to significant constraints likely. Residences on majority of adjacent titles. Little or no connectivity to unconstrained titles.
Registrations	Are recognised by ATO as Primary Producer. Livestock producers will have a PIC and be registered for NLIS and LPA. All producers are likely to be registered for GST. Would be part of QA schemes, depending on products and markets.	Are recognised by ATO as a Primary Producer. Livestock producers will have a PIC and be registered for NLIS and LPA. All producers are likely to be registered for GST. Would be part of QA schemes, depending on products and markets.	May or may not be recognised by ATO as primary producer. Livestock producers will have a PIC and be registered for NLIS and LPA; may be registered for GST and may be part of any QA schemes.	Are not recognised by ATO as primary producer. May not have a PIC or be registered for NLIS; are not registered for GST and unlikely to be part of any QA schemes.
Role of a dwelling	Dwelling is subservient to the primary production.	Dwelling is convenient/preferred to facilitate improved productivity. Dwelling assists with security.	Dwelling is convenient/preferred for lifestyle reasons.	Dwelling is the dominant activity on the title.

Appendix 3: Characteristics of a Commercial Scale Farm Business Activity

It is very difficult to provide an assessment of the commercial viability of a single farm business activity as generally more than one farm business activity contributes to a farming business. Table A3-1 is designed to describe the general characteristics of a commercial scale farm business activity in Tasmania. Table A3-1 can be used to characterise land and water resources to determine whether they have the capacity to contribute to a commercial scale farm business activity. For example, a farming business with less than 4ha of cherries is likely to need additional farming activities to be viable.

Table A3-1: Resource requirements for various land uses

RESOURCE	LIVESTOCK			BROAD ACRE CROPS		VEGETABLES		BERRIES	ORCHARD FRUITS & VINES	NURSERIES & CUT FLOWERS	FORESTRY PLANTATIONS
	Sheep	Cattle	Dairy	Cereals	Others	Processed	Fresh Market				
Land Capability	LC generally 3–6.	LC generally 3–5/6.	LC generally 3–5.	LC 1–4.	LC 1–4.	LC 1–4.	LC 1–4.	LC 1–4/5.	LC 1–4/5.	LC 1–4 or N/A.	LC 4–6.
Minimum paddock sizes	No minimum	No minimum.	To suit grazing system.	10–15ha min.	5–10ha min.	10ha min.	10ha min.	2–4ha.	2–5ha.	2–4ha min.	10–20ha min.
Size for a 'viable' business if conducted as single farm business activity (1)	Generally 3,000–10,000 dse -area depends on rainfall). (2).		Capacity for at least 350 milkers.(3).	Broadacre cropping will be a mix of crops in rotation with pasture and livestock. The area required for viability is highly variable.				4–10ha.	10–30ha.	5–10ha.	TBC
Irrigation water	Not essential	Not essential.	Preferable 4–6ML/ha.	Not necessary.	Mostly necessary, 2–3 ML/ha.	Necessary, 2–6ML/ha.	Necessary, 2–6ML/ha.	Necessary, 1–3ML/ha.	Necessary, 2–3ML/ha.	Necessary, small quantity.	Not required.
Climate specifications	Lower rainfall preferred for wool.	No preferences.	High rainfall (or irrigation).	Susceptible to spring frosts. Difficult to harvest in humid coastal conditions.	Susceptible to spring frosts.	Susceptible to spring frosts.	Susceptible to spring frosts.	High rainfall (or irrigation).	Susceptible to spring frosts for vines. Susceptible to summer rains for cherries. Susceptible to disease in high humidity in March for vines.	Preferably low frost risk area.	Rainfall above 700–800 mm.

RESOURCE	LIVESTOCK			BROAD ACRE CROPS		VEGETABLES		BERRIES	ORCHARD FRUITS & VINES	NURSERIES & CUT FLOWERS	FORESTRY PLANTATIONS
Infrastructure	Yards & shearing shed.	Yards, crush, loading ramp.	Dairy shed, yards, crush, loading ramp.	Minimal.	Irrig facilities.	Irrig facilities.	Irrig facilities. Possibly a packing shed unless using a contract packer or growing on contract.	Irrig facilities. Packing shed.	Irrig facilities. Packing shed.	Plastic/glass houses.	Firefighting dams. Access roads.
Plant & equipment	Minimal.	Minimal; hay feeding plant.	General purpose tractor, hay/silage feeding.	Tractors & implements.	Tractors & implements.	Tractors & implements.	Tractors & implements.	Tractors & implements.	Tractors & implements.	Small plant.	Contract services.
Market contracts	Not required.	Not required.	Necessary.	Not required.	Generally required.	Necessary.	Highly preferred.	Desired.	Desired.	Contracts preferable.	Varies.
Labour	Medium.	Low.	High.	Low.	Low.	Low.	Variable/medium.	High at times.	High at times.	High at times.	Low.
Local services	Shearers.	Vet.	Vet, dairy shed technician.	Agronomist, contractors.	Agronomist, contractors.	Agronomist, contractors.	Agronomist, contractors.	Pickers.	Pickers.	Pickers.	Contractors.
Regional suitability	Dryer areas good for wool. All areas suitable; larger farm sizes needed for viability.	All areas suitable.	Economics dictate large area necessary. Needs high rainfall or large water resource for irrigation.	Generally large areas, so need larger paddocks and larger farms.	Generally large areas, so need larger paddocks and larger farms.	Medium sized paddocks & farms; area for crop rotations and irrigation.	Medium sized paddocks & farms; area for crop rotations and irrigation.	Specific site requirements; proximity to markets and transport/carriers.	Specific site requirements; potentially available in most municipalities.	Proximity to markets is important.	Low rainfall areas less preferred.

Table notes:

1. The Agricultural Land Mapping Project (ALMP) (Dept of Justice, 2017) defined minimum threshold titles sizes that could potentially sustain a standalone agricultural farm business activity. The ALMP have 333ha for a livestock farm business activity, 40ha for dairy, 133ha for cereals and other broadacre crops, 25ha for processed and fresh market vegetable, 10ha for berries, other fruits & vines and nurseries and cut flowers and no specified minimum area for plantation forestry.
2. Kynetec (March 2021) Farm Intel Information brochure uses 100ha as the minimum farm area for livestock
3. Kynetec (March 2021) Farm Intel Information brochure uses 75ha as the minimum farm area for dairy.

This report has been prepared by:

RM Consulting Group Pty Ltd trading as RMCG

Level 2, 102-104 Cameron Street, Launceston Tasmania 7250

(03) 6334 1033 — rmcg.com.au — ABN 73 613 135 247

Offices in Victoria, Tasmania and NSW

Key RMCG contact

Michael Tempest

0467 452 155 — michaelt@rmcg.com.au

Document review and authorisation

Project Number:

Doc Version	Final/Draft	Date	Author	PD Review	BST Review	Release approved by	Issued to
1.0	Draft	8/12/23	M. Tempest	A. Ketelaar	L. McKenzie	A. Ketelaar	J. Oliver for Kentish Council