
From: Justine Brooks <jbrooks@pittsh.com.au>
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Cc: Charles Grant
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Dear Commission Panel Members

Please find attached a submission on behalf of Mr Charles Grant re [REDACTED], Neika in response to the Ireneinc review report / Direction 69.

Do not hesitate to contact me should you require further clarification.

Kind regards

Justine

pitt&sherry

Associate Project Manager
Urban Planner

Justine Brooks RPIA GTLP

MEnvPlg MBA
DipPM DipGov(PM)

[REDACTED]
jbrooks@pittsh.com.au

Level 2, 93 York St, Launceston, TAS, 7250
PO Box 1409 Launceston Tasmania 7250 | Phone +61 3 6323 1912

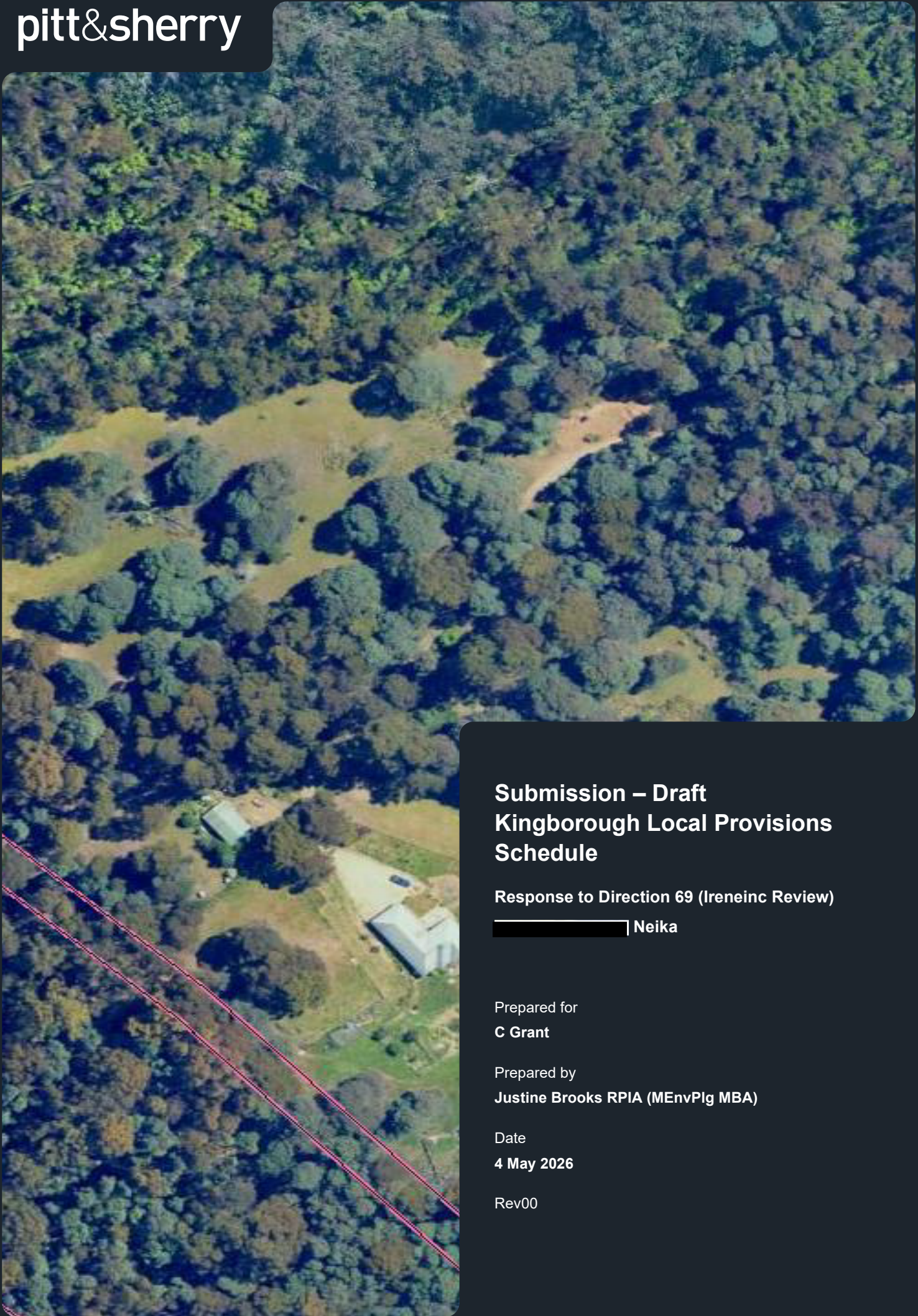


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Submission – Draft Kingborough Local Provisions Schedule

Response to Direction 69 (Ireneinc Review)

Neika

Prepared for
C Grant

Prepared by
Justine Brooks RPIA (MEnvPlg MBA)

Date
4 May 2026

Rev00

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Prepared by — Justine Brooks	[REDACTED]	Date — 04.05.26
Reviewed by — Karina Hill	[REDACTED]	Date — 04.05.26
Authorised by — Justine Brooks	[REDACTED]	Date — 04.05.26

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1. Executive Summary

This submission responds to Direction 69 and the Ireneinc review commissioned by Kingborough Council regarding the proposed application of the Landscape Conservation Zone (LCZ) to [REDACTED], Neika under the draft Kingborough Local Provisions Schedule (LPS). It provides a site-specific justification, applying the statutory and strategic tests for zone application, and identifies the most proportionate zoning outcome to achieve the purposes of the Tasmanian Planning Scheme.

Decision sought: Remove the blanket LCZ from [REDACTED] and apply Rural Living Zone to the established residential and routinely managed portion of the land, with any additional controls (scenic, natural assets, bushfire, slope/landslip) addressed through the relevant codes and overlays. If the Commission considers a landscape conservation-led outcome is warranted for part of the holding, apply a split-zone boundary limited to the specific area that demonstrably has landscape conservation as its dominant strategic purpose.

Why this matters: Zoning is the primary statement of strategic intent for land. Applying a conservation-led primary zone to land that is already lawfully occupied, partly cleared, actively managed, and exposed to bushfire risk changes the planning hierarchy in a way that is unnecessary to protect legitimate scenic and environmental values and has real consequences for land safety management, reasonable use, and administrative burden.

Evidence snapshot (as set out in this submission):

- The holding is approximately 31 hectares with an established residential envelope and long-standing occupation and management.
- The site exhibits a mixed pattern of managed open areas and retained vegetation consistent with the wider Neika rural-living settlement pattern.
- The land is subject to multiple hazard/value overlays and codes (including bushfire-prone and slope/landslip), demonstrating that the scheme already contains fit-for-purpose mechanisms to manage constraints.
- Active risk reduction is occurring on-site (including vegetation management for fire buffers), and planning settings should facilitate (not frustrate) reasonable safety management.
- The Ireneinc methodology (as understood from its conclusions) risks treating vegetation and scenic contribution as proxies for the LCZ's dominant-purpose test, rather than applying a differentiated, proportionate zoning response.

The subject land comprises approximately 31 hectares and is owned and occupied by Charles Grant. It is developed for established residential use in the south-western portion, with the balance comprising a mix of retained bushland and managed clearings extending to the north and east. This pattern reflects the broader Neika locality: large rural-living holdings with established occupation, partial clearing, retained vegetation, and ongoing land management needs in a bushfire-exposed setting.

The proposed application of the Landscape Conservation Zone across the whole holding is not supported because it does not reflect the land's dominant strategic purpose, is not the most proportionate tool to manage the identified values and constraints, and risks duplicating or displacing the proper role of codes and overlays.

In particular, the draft mapping applies a conservation-led primary zone to a property that is plainly settled and actively managed. While landscape and natural values are present, they can be (and already are intended to be) addressed through the State Planning Provisions' values and hazard codes without re-casting the land's primary planning identity as conservation.

Put simply, the site is not an 'intact landscape conservation unit' in the way contemplated by the LCZ's dominant-purpose test. It is an established rural-living landscape comprising:

- a long-settled rural-living holding
- developed for residential use

- actively managed for safety and land maintenance
- historically used for low-intensity rural pursuits
- partly cleared and partly vegetated
- consistent with the broader Neika development pattern; and
 - reliant on practical, ongoing land management to remain safe and functional.

While parts of the land remain vegetated and contribute to scenic character, that fact alone does not justify applying a conservation-led primary zone to the entire holding. Where additional control is warranted, it should be targeted and evidence-led, not blanket and assumption-based.

The core issue is not that the land lacks landscape value. It is that the proposed LCZ misidentifies the dominant character and planning function of the land.

Applying the relevant zone-application tests (including the Section 8A Guideline framework for selecting the most appropriate zone, and the principle that codes/overlays manage specific values and hazards across zones), this submission concludes that:

- the land is already settled and managed and is not appropriately characterised, in its entirety, as land where landscape conservation is the dominant strategic purpose
- the dominant strategic purpose of the developed and routinely managed portion is rural living (residential occupation with low-intensity rural activity and ongoing land stewardship)
- scenic contribution, vegetation retention, slope/landslip and bushfire risk are matters expressly capable of being managed through the applicable codes and overlays, regardless of the underlying zone
- using the LCZ as a proxy to regulate these matters duplicates control and distorts the role of zoning as the scheme's primary strategic statement
- a blanket LCZ outcome risks creating unnecessary permit triggers and uncertainty for ordinary, responsible land management and hazard reduction activities
- if any part of the site warrants a conservation-led outcome, split zoning is the most accurate and proportionate mechanism, confined to the area where evidence supports that conclusion.

Accordingly, the preferred planning outcome is:

1. Apply Rural Living Zone to the established residential envelope and routinely managed land that functions as rural-living settlement.
2. Rely on the relevant codes and overlays (including bushfire-prone, natural assets, scenic protection, and slope/landslip) to manage specific values and hazards, rather than re-purposing the primary zone to do that work.
3. If additional LCZ mapping is considered necessary, apply split zoning only to the specific area demonstrated (on site-specific evidence) to have landscape conservation as its dominant strategic purpose, with the split-zone boundary aligned to observable landform/vegetation/management transitions.

2. Introduction

This submission concerns [REDACTED], Neika and responds to the proposed application of the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule.

It has been prepared in response to the Ireneinc review and Direction 69 process and addresses the appropriateness of the proposed zoning as it applies to this landholding.

The broader Neika locality has been the subject of repeated concern from residents regarding the proposed application of the LCZ. Across submissions relating to the Neika area, a consistent issue has emerged: the proposed LCZ has been applied broadly to land that is already settled, occupied, actively managed and used for rural-living purposes.

That concern applies directly to 1222 Huon Road.

This site is not an isolated or exceptional case. It forms part of the established Neika settlement pattern characterised by:

- large allotments
- established dwellings
- partial clearing
- retained vegetation
- domestic and low-intensity rural use
- constrained access
- bushfire exposure; and
- ongoing reliance on landowners to actively manage vegetation, access and fuel loads.

The proposed LCZ does not accurately reflect this pattern.

Accordingly, this submission contends that the proposed LCZ is not the most appropriate planning response for [REDACTED] and that a more proportionate and site-responsive zoning outcome is required.

2.1 Statutory and policy framework (how the Commission should test this zoning outcome)

This submission is framed around the role of zoning within the Tasmanian Planning Scheme and the tests for zone and code application set out in the Section 8A guideline issued by the Tasmanian Planning Commission under the *Land Use Planning and Approvals Act 1993* (Guideline No. 1: LPS – zone and code application, Version 3).

At a high level, the Commission's zone-application task requires that:

- the applied zone reflects the dominant strategic purpose and character of the land, rather than being used as a proxy to regulate individual constraints
- zone boundaries are coherent and coordinated in their spatial application, including having regard to the surrounding settlement pattern; and
- specific values and hazards that occur across multiple zones are intended to be managed through the relevant codes and overlays (for example scenic, natural assets, bushfire-prone and landslip), rather than by re-casting the land's primary zone.

The Landscape Conservation Zone is a conservation-led zone intended "to provide for the protection, conservation and management of landscape values" and for compatible use or development that does not adversely impact those values. The Rural Living Zone, by contrast, is intended to accommodate rural-residential living while recognising rural character and is the standard zone tool for established rural-living settlement patterns.

Applying this framework, the question is not whether the site has landscape or environmental attributes (it does), but whether those attributes make landscape conservation the dominant strategic purpose of the land, or whether targeted code and overlay controls provide a more accurate and proportionate planning response.

3. Subject Land – [REDACTED], Neika

[REDACTED], Neika comprises approximately 31 hectares and is currently zoned Environmental Living under the Kingborough Interim Planning Scheme 2015. Under the draft Tasmanian Planning Scheme mapping, the site is proposed to transition to the Landscape Conservation Zone.

The site is affected by multiple overlay and code considerations, including bushfire-prone areas, slope / landslip constraints and natural values considerations. This is relevant because it demonstrates that the planning scheme already contains dedicated statutory mechanisms to regulate the environmental and hazard matters affecting the land.

The subject site is developed and occupied. It is not vacant, pristine or undisturbed land.

The south-western portion of the site contains the established residential envelope and associated managed land. Beyond this, the site extends upslope into more vegetated areas, including retained bushland and open clearings. This development pattern is clearly visible in aerial imagery and is consistent with the broader Neika locality: a settled rural-living holding with a defined residential core, managed open areas and retained vegetation.

3.1 Site context and on-ground character

Neika is characterised by a hillside rural-living settlement pattern in which dwellings and associated managed areas are interspersed with retained bushland. The subject land sits within this same pattern and is experienced as part of a settled landscape, rather than an unbroken conservation reserve.

A zoning outcome for the site should therefore align with the observable transition between areas of established occupation and routine management and any areas of materially different character.

3.2 Constraints and existing planning controls already available

The site is already identified as being subject to a range of hazard and values considerations, including bushfire-prone areas and slope / landslip constraints. The purpose of the Bushfire-Prone Areas Code is to ensure that use and development is appropriately designed, located, serviced and constructed to reduce risk to human life and property and the cost to the community caused by bushfires.

The presence of these overlays and code triggers is not evidence that the land's dominant strategic purpose is conservation. Rather, it demonstrates that the planning scheme already contains fit-for-purpose statutory tools to manage relevant constraints irrespective of the underlying zone.

The site is not an intact landscape conservation parcel. It is a mixed and actively managed rural holding.

4. Existing Use and Development Pattern

The land has been occupied and managed by the Grant family for generations, with family association in the area dating back to the 1890s.

Charles Grant's notes confirm that the land has historically supported small-scale rural activity, including:

- small fruits
- livestock
- cattle grazing
- horses

- pigs; and
- ongoing low-intensity rural use.

These activities demonstrate that the land has long functioned as an occupied and actively managed rural holding, rather than land managed primarily for conservation purposes.

The property is also actively managed for bushfire risk. Charles Grant notes that goats are currently used to maintain fire buffers and manage vegetation on the site. This provides practical, site-specific evidence of ongoing risk management and land stewardship.

This pattern of use is relevant to zone application because it demonstrates that active land management is an established and necessary component of the ongoing use of the land. The land is managed for safety, access and operational functionality in a bushfire-exposed setting, consistent with the way rural-living holdings are typically used and maintained across Neika.

Taken together, this long-standing pattern of lawful occupation, partial clearing, retained vegetation and ongoing land management is not consistent with the land being characterised, in its entirety, as having landscape conservation as its dominant strategic purpose. Rather, it is consistent with a rural-living settlement pattern in which residential occupation co-exists with vegetation retention and practical land management requirements.

4.1 Active land management and environmental stewardship

The subject land is not passively vegetated or unmanaged. It is actively and demonstrably managed in a manner that delivers tangible environmental benefit, both on-site and within the broader Neika context.

Extensive and ongoing weed management has been undertaken across the property, including:

- Blackberry largely eradicated
- Himalayan Blackberry effectively eliminated
- Spanish Heath is substantially controlled and targeted for eradication within approximately two years
- Holly actively managed and suppressed; and
- Foxglove, which has proliferated more broadly across Neika, is actively monitored and controlled on the site.

These species are widespread and readily identifiable across the Neika landscape and are a matter raised consistently by local landowners. They form part of the existing disturbed and modified landscape condition, rather than representing primary conservation values in their own right.

Importantly, the subject land adjoins Wellington Park along part of its boundary. Active weed control on private land at this interface directly reduces the spread of invasive species into adjoining public reserve land. In this respect, the landowner's management practices deliver a net environmental benefit extending beyond the site boundary.

This level of stewardship reinforces a key point: the values present on the land are not being degraded by its current rural-living use. Rather, they are being actively managed and, in some instances, enhanced. This demonstrates that effective environmental outcomes can be achieved through ongoing private land management, supported by the planning scheme's codes and overlays, without the need to characterise the land's primary planning purpose as conservation.

5. Response to Ireneinc / Direction 69

The Ireneinc review usefully acknowledges that "landscape values" are not expressly defined and that Council's application of the Landscape Conservation Zone (LCZ) relies on a broad interpretation of visual, scenic and contextual landscape qualities.

This submission does not contend that the land lacks landscape or environmental value. Rather, it contends that those values do not constitute the dominant strategic purpose of the land and are more appropriately managed through the Scheme's codes and overlays, rather than by applying a conservation-led primary zone across the entire holding.

This is an important starting point because the presence of vegetation or contribution to scenic character does not, of itself, determine the appropriate zone outcome. Under the Section 8A framework, the zone applied must be justified by reference to the land's dominant strategic purpose and the most appropriate planning tool to manage the values identified.

Consistent with the Section 8A approach, the existence of vegetation or scenic values is not determinative where those values can be appropriately managed through the applicable codes (including scenic and natural assets controls), while the underlying zone reflects the land's primary planning function.

In that context, vegetation and scenic contribution do not automatically justify LCZ. The relevant planning question is not simply whether land has landscape value, but what type of landscape value is present, how it is experienced, and whether zoning (or codes and overlays) is the most accurate and proportionate mechanism to manage it.

In practical terms, aspects of the Ireneinc methodology appear to conflate a number of distinct planning characteristics, namely:

- vegetated land
- scenic land
- bushfire-prone land
- rural-living land; and
- landscape conservation land.

These are not interchangeable planning categories. Treating them as proxies for one another risks blurring the intended planning hierarchy, whereby zoning is used to respond to matters that the Scheme architecture assigns to codes and overlays. This is inconsistent with the Section 8A principle that zoning should express dominant strategic purpose, with specific values and hazards managed through targeted statutory mechanisms.

██████████ is vegetated in part. It contributes to local scenic character. It is bushfire-prone. It is also long-settled, occupied and actively managed for rural-living purposes. Those attributes do not collectively convert the land into a landscape conservation parcel. Rather, they indicate that the site contains multiple attributes that are appropriately managed through multiple planning tools.

In particular, the Ireneinc approach risks treating the presence of vegetation and scenic contribution (regardless of condition, visibility or management regime) as proxies for landscape conservation dominance, without applying the Section 8A dominant-purpose test with sufficient precision.

Importantly, the vegetation present on the site includes areas that are modified and affected by invasive species that are widespread across the Neika locality and form part of the existing managed rural-living landscape. These characteristics are more appropriately addressed through active land management supported by the planning scheme's codes, rather than through the imposition of a conservation-led primary zone over the entire holding.

Further, any assessment of scenic or visual impact should have regard to actual public visibility. In this case, the established dwelling, shed and associated managed clearings are not visually apparent from much of Kingborough due to topography, orientation and vegetative screening. The site's contribution is experienced as part of a broader settled hillside landscape, rather than as a prominent element within significant public view corridors. This supports the conclusion that scenic considerations can be addressed through the Scenic Protection Code at development assessment stage, rather than through blanket LCZ application.

5.1 5.1 LCZ is not the default successor to Environmental Living

This is a critical point under the Section 8A framework.

The existing Environmental Living zoning of the land does not create a presumption that the site should transition to the Landscape Conservation Zone. Section 8A does not establish LCZ as the default replacement for Environmental Living land, nor is LCZ intended to function as a broad “large-lot vegetated residential” zone.

That distinction is particularly important here. [REDACTED] is a large, partly vegetated but already-settled rural-living holding with established development and ongoing land management requirements. The fact that the land was previously zoned Environmental Living does not justify a default transition to LCZ. The correct question remains which zone best reflects the land’s dominant strategic purpose.

For this site, that purpose is not landscape conservation.

5.2 Adjoining and surrounding settlement logic

The proposed LCZ does not respond coherently to the broader Neika settlement pattern.

[REDACTED] does not sit in isolation. It forms part of an established band of larger settled allotments characterised by:

- established dwellings
- rural-living occupation
- partial clearing
- retained vegetation; and
- ongoing, practical land management.

Section 8A requires coherent and coordinated spatial application of zones. The broad application of LCZ across this site interrupts the established rural-living settlement logic evident across the locality and introduces an abrupt conservation-led designation across land that is plainly occupied and managed.

Charles Grant’s annotated zoning concept plan illustrates a more coherent spatial transition aligned with landform, vegetation condition and established use. That approach is more consistent with the Section 8A framework than blanket LCZ.

A coherent mapping outcome for Neika should avoid applying conservation-led zoning across already-settled rural-living allotments where the on-ground character is clearly settlement-with-vegetation. Where a transition is warranted, it should follow an evidence-led boundary reflecting a genuine change in land character and management intensity, consistent with the coordinated zone-application principles set out in the Section 8A guideline.

6. What Landscape is Being Conserved?

This is the central planning question.

The issue is not whether [REDACTED] has landscape value; it clearly does.

The issue is what landscape is actually being conserved, and whether the Landscape Conservation Zone is the appropriate planning mechanism to achieve that outcome.

The site contributes to the broader visual and landscape character of Neika. That is accepted. However, contributing to landscape character is not the same as requiring landscape conservation to be the dominant strategic purpose of the land.

That distinction is critical.

The landscape values present on this site are mixed and include:

- a rural-living landscape
- a settled hillside landscape
- a vegetated backdrop
- scenic contribution
- a bushfire-prone landscape; and
- actively managed private land.

These characteristics are not synonymous with intact landscape conservation values.

The presence of vegetation is not, of itself, evidence that landscape conservation is the dominant strategic purpose of land. The concern arising from Council's approach is that vegetation presence and visual contribution appear to be treated as sufficient indicators for LCZ application, without the dominant-purpose test being applied with sufficient precision.

Vegetation may contribute to visual character, biodiversity, bushfire behaviour, privacy, screening and local amenity. Those matters are real and relevant. However, they do not, by default, convert an established rural-living holding into land whose dominant planning purpose is landscape conservation.

The relevant planning question is therefore not whether the site contains vegetation, but whether the dominant strategic function of the land is conservation.

For [REDACTED], it is not.

The dominant function of the land is:

- residential occupation
- rural-living use
- private land management
- risk management; and
- low-intensity rural activity.

Accordingly, the Landscape Conservation Zone is not the most appropriate zone to apply across the whole holding.

7. Section 8A Assessment – LCZ vs Rural Living Zone

The Section 8A Guideline requires that the zone applied to land be the most appropriate zone to achieve the intended planning outcome, having regard to the land's dominant strategic purpose and the need for coherent spatial application within the surrounding settlement pattern.

For the subject land, the assessment is directed by the following key questions derived from the Section 8A mapping principles: (a) what is the land's dominant strategic purpose; (b) whether the proposed mapping achieves a coherent spatial outcome when read in the context of the surrounding Neika settlement pattern; and (c) whether any identified values or hazards are more appropriately addressed through the relevant codes and overlays rather than through the primary zone.

7.1 Findings — dominant strategic purpose

On the evidence of existing lawful occupation, established residential use, historical rural activity and ongoing routine land management, the dominant strategic purpose of the developed and routinely managed portion of [REDACTED] is rural living.

While landscape values are present on parts of the holding, they do not, either individually or collectively, establish that landscape conservation is the dominant strategic purpose across the site as a whole.

7.2 Findings — zone purpose fit (LCZ compared with Rural Living)

The LCZ is a conservation-led zone intended to protect, conserve and manage landscape values, and to limit use and development to that which is compatible with those values. Applied across an already occupied and routinely managed holding, it risks re-casting ordinary rural-living land management as an exception that must be justified, rather than an expected part of maintaining a safe and functional rural property.

By contrast, the Rural Living Zone is designed to accommodate rural-residential living and associated low-intensity rural activity, while recognising rural character. For [REDACTED], it better matches the on-ground settlement pattern (established dwelling, managed clearings and active stewardship) while allowing scenic, natural assets, bushfire and slope/landslip matters to be assessed through the relevant codes and overlays that apply across zones. On that basis, RLZ is the more accurate and proportionate zone purpose fit for the developed and routinely managed portion of the holding.

7.3 Supporting information — zone purpose comparison table

Table 1: Summary comparison against zone purposes (LCZ vs Rural Living Zone)

Test / consideration	Landscape Conservation Zone (LCZ)	Rural Living Zone (RLZ)
Zone purpose	Conservation-led: protection, conservation and management of landscape values; and compatible use or development that does not adversely impact on those values.	Provides for rural-residential living and compatible use and development consistent with rural character, with relevant codes and overlays managing specific hazards and values where applicable.
On-ground character	A blanket LCZ outcome is difficult to reconcile with an established dwelling, routine management areas, and long-standing occupied rural-living character.	Aligns with the established residential envelope, managed clearings, and low-intensity rural use consistent with the Neika settlement pattern.
How scenic / vegetation values are managed	Risks using zoning to do the work of the Scenic/Natural Assets frameworks, leading to duplication and a conservation-first presumption.	Allows scenic/vegetation outcomes to be managed through the Scenic Protection Code and Natural Assets Code (and siting/design standards), with zoning focused on dominant land purpose.
Bushfire risk and land management practicality	May unintentionally increase friction for routine hazard reduction and access/track maintenance, contrary to the practical imperatives in bushfire-prone landscapes.	Better reflects that responsible land management is an ordinary part of rural-living occupation in bushfire-prone areas, with risk managed through the Bushfire-Prone Areas Code.
Proportionality	Over-reaches if applied to the whole holding where only parts have higher natural/vegetation intactness.	Can be paired with split zoning (only if needed) and overlays/codes to deliver a targeted, evidence-led response.

7.4 Findings — coherent spatial application and settlement pattern

The draft mapping applies the Landscape Conservation Zone across land that forms part of an established rural-living settlement pattern. A more coherent spatial outcome is achieved by mapping Rural Living Zone to the settled and

routinely managed portion of the site and, only if required, mapping LCZ to any discrete area that can be demonstrated, on site-specific evidence, to have landscape conservation as its dominant strategic purpose.

This approach better aligns any zone boundary with observable on-ground transitions in landform, vegetation condition and management intensity, and avoids an abrupt conservation-led designation across land that is already settled and routinely managed.

7.5 Findings — scheme architecture (zones, codes and overlays)

Environmental and hazard matters present on the land, including scenic values, natural assets, bushfire-prone areas and landslip constraints, are expressly intended to be addressed through the relevant **codes and overlays** that operate across zones.

Applying a conservation-led primary zone as a substitute for those scheme mechanisms introduces unnecessary duplication and reduces the strategic clarity of zoning, by re-casting matters intended to be managed through specific statutory controls as attributes of the land's primary planning purpose.

8. Duplication of Control: Misuse of Zoning to Regulate Matters Already Managed by Codes and Overlays

A key issue with the proposed zoning is that the Landscape Conservation Zone is being relied upon to regulate matters that are already expressly addressed elsewhere in the planning scheme through codes and overlays.

Under the Tasmanian planning framework, the primary role of a zone is to establish the dominant strategic land use intent of land. The role of codes and overlays is different: they exist to manage specific constraints, hazards and values that may apply regardless of the underlying zone.

That distinction is fundamental to the architecture of the Tasmanian Planning Scheme.

In scheme terms, zoning is intended to express dominant strategic purpose, while codes and overlays address particular hazards and values that may apply across multiple zones. The proposed LCZ outcome tends to conflate those distinct functions by using a primary zone to respond to matters that are more appropriately managed through the applicable codes and overlays.

In the Tasmanian Planning Scheme, codes operate in addition to zone provisions and, where relevant, prevail over zone standards. Instead of using the primary zone to identify dominant land use purpose, the LCZ is being applied in a manner that effectively seeks to regulate matters such as:

- vegetation
- scenic values
- biodiversity
- bushfire risk
- slope
- visual character; and
- land management constraints.

Those matters are already capable of being managed through other parts of the planning scheme. This results in duplication of control and reduces the strategic clarity of zoning.

8.1 Duplication of control

The proposed LCZ duplicates the role of:

- the Natural Assets Code
- the Scenic Protection Code
- the Bushfire-Prone Areas Code; and
- the Landslip Hazard Code.

As a result, the same matters are regulated twice:

- once broadly through the primary zone; and
- again specifically through the relevant technical code.

This duplication is unnecessary and disproportionate.

8.2 Policy distortion

More significantly, this approach alters the planning hierarchy.

Instead of asking: *this is rural-living land - what technical constraints apply?*

the planning framework is effectively recast as: *this is conservation land - justify why ordinary land management should occur.*

This reframing has material practical implications for landowners and for the day-to-day administration of the planning scheme. For [REDACTED], it is not supported by the evidence of dominant purpose and settlement character set out in this submission.

It has the effect of treating routine activities such as:

- vegetation thinning
- fuel reduction
- track maintenance
- defensible space provision
- rural upkeep; and
- hazard reduction

as exceptions to conservation, rather than as ordinary and expected land management activities within a rural-living context. This is the practical consequence of zoning performing the role intended for codes and overlays.

8.3 Role of zoning

The presence of overlay mapping and code triggers is not evidence that the dominant strategic purpose of land is landscape conservation. Rather, it indicates that the planning scheme already contains dedicated tools to manage those matters.

Using a primary zone to regulate issues already addressed through specific statutory controls duplicates and pre-empts the function of the scheme's overlay and code framework. This does not represent a proportionate or efficient use of zoning.

9. Bushfire Risk, Access and Land Management

Bushfire risk is a central planning consideration for this site.

Like the broader Neika locality, [REDACTED] is affected by:

- constrained road access
- vegetated roadside interfaces
- fuel accumulation
- falling limbs
- powerline exposure
- limited evacuation options; and
- reliance on landowners for active vegetation and fuel management.

These are not abstract planning considerations. They are practical land management realities that directly influence how land is used and maintained.

The site's existing development pattern already reflects these conditions. Charles Grant's use of goats to maintain fire buffers is a practical example of how landowners in Neika actively manage risk.

Planning controls should support this form of responsible and proactive risk reduction, consistent with the objectives of the planning scheme.

9.1 Bushfire should inform zoning, not just permits

A recurring weakness in the broader strategic approach is that Tasmania Fire Service is often left to manage the consequences of zoning after the strategic land use decision has already been made.

That is backwards.

In a locality such as Neika, bushfire should inform the zoning decision itself.

It should not be treated solely as a permit-stage technical issue.

This is especially relevant where the site already demonstrates active and necessary fuel management practices.

9.2 Planning scheme alignment (strategic intent and practical implementation)

For the purposes of this submission, the key point is that zoning should align with the scheme architecture: the primary zone should express dominant strategic purpose, while hazard and values outcomes are delivered through the applicable codes and overlays.

For [REDACTED], that alignment is achieved by applying a Rural Living Zone to the settled and managed portion of the land and relying on the Bushfire-Prone Areas Code (together with other relevant codes) to regulate the technical bushfire risk response.

9.3 Avoiding perverse outcomes in bushfire-prone rural-living landscapes

In localities where bushfire is a real and recurrent constraint, strategic planning should avoid outcomes that unintentionally discourage proactive fuel and access management. The Bushfire-Prone Areas Code is expressly directed to reducing risk to human life and property and the cost to the community caused by bushfires.

A zoning outcome that introduces uncertainty or additional barriers to routine, responsible land management is not well aligned with that objective. A more appropriate approach is to apply a zone that reflects the settled rural-living purpose of the land, with bushfire risk managed through the scheme's dedicated technical controls.

10. Unintended Consequences of Over-Restrictive Zoning

A broad LCZ response does not merely create administrative burden.

It risks actively discouraging the practical land management required to reduce risk.

In practice, this can suppress or complicate:

- defensible space management
- fuel reduction
- hazardous tree removal
- vegetation thinning
- access maintenance; and
 - • routine rural upkeep.

In a locality such as Neika, these are not discretionary matters.

They are essential safety functions.

A planning outcome that discourages practical risk reduction is a poor planning outcome.

In the context of [REDACTED], split zoning represents a measured and orthodox planning response, aligning Rural Living Zone with the established residential and routinely managed portion of the land, while reserving any conservation-led zoning only for areas shown, on site-specific evidence, to warrant that designation. This approach is more defensible than applying a single conservation-led zone across a long-settled, actively managed holding and is consistent with past zoning practice.

11. Scenic and Landscape Values Can Be Managed Without Blanket LCZ

The Scenic Protection Code is expressly directed to recognising and protecting landscapes identified as important for their scenic values.

Similarly, the Natural Assets Code is a planning mechanism intended to protect natural values and to establish assessment requirements for development in mapped natural asset areas. It is not intended to duplicate other statutory controls or replace the role of zoning.

The site may contribute to the scenic and visual character of Neika. That is accepted. However, scenic contribution is not the same as landscape conservation, and the fact that land contributes to visual character does not mean that its dominant strategic purpose is conservation.

Scenic and visual matters can be appropriately managed through existing planning mechanisms, including:

- the Scenic Protection Code
- siting and design controls
- the Natural Assets Code

- subdivision controls; and
- development standards.

These tools already form part of the planning scheme and operate across zones. A blanket application of the Landscape Conservation Zone is therefore not required to manage scenic character on this site.

12. Recommended Zoning Response

The preferred zoning outcome is:

- Rural Living Zone over the established residential and managed portions of [REDACTED]
- code and overlay provisions to manage scenic, natural assets, bushfire and slope matters; and
- split zoning only where site-specific evidence demonstrates that additional landscape control is genuinely warranted.

This is the most proportionate, accurate and defensible planning response.

Refer to the Annotated zoning concept plan (Charles Grant), which illustrates a more logical zoning transition aligned with landform, vegetation and established site use.

13. Requested Outcome

It is respectfully requested that the Commission, in determining the draft Kingborough LPS mapping for [REDACTED], Neika, adopt the following outcome (or, in the alternative, the fallback outcome set out below):

1. Primary outcome (preferred): Amend the draft mapping to remove the blanket LCZ over [REDACTED] and apply Rural Living Zone to the established residential envelope and the areas of the holding that are routinely managed and function as rural-living settlement.
2. Values/hazards managed through the scheme's intended mechanisms: Confirm that scenic/landscape, natural assets, bushfire, and slope/landslip matters are to be managed through the applicable codes and overlays (including the Bushfire-Prone Areas Code) rather than by using the primary zone as a proxy control.
3. Fallback outcome (if the Commission is not minded to remove LCZ entirely): Apply split zoning, with Rural Living Zone over the established residential and managed portion and LCZ only over the specific area (if any) where site-specific evidence demonstrates that landscape conservation is the dominant strategic purpose.
4. Mapping principles: Align any split-zone boundary with observable on-ground transitions (landform, vegetation intactness, and established management pattern) to achieve a coherent and defensible spatial outcome.

14. Conclusion

[REDACTED] is not an intact landscape conservation parcel. It is a long-settled and actively managed rural-living holding with established residential use, a history of small-scale rural activity, and a development pattern that is consistent with the broader Neika locality.

The core issue is not whether the land has landscape value; it does. The issue is that the proposed application of the Landscape Conservation Zone misidentifies the land's dominant character and planning function.

While parts of the site retain vegetation and may warrant targeted controls, the broad application of a conservation-led primary zone is not the most appropriate planning response. A more accurate and proportionate outcome is one that

recognises the established residential envelope, the ongoing rural-living function of the land, the need for practical land management in a bushfire-prone setting, and the role of the planning scheme's codes and overlays in managing specific values and constraints.

Such an outcome better reflects the land's dominant strategic purpose and applies the planning scheme as intended: using zoning to express primary land use purpose, and relying on dedicated statutory mechanisms to manage scenic, natural asset, bushfire and slope/landslip considerations.

For these reasons, the Commission is requested to modify the draft Kingborough Local Provisions Schedule mapping to avoid blanket LCZ application to [REDACTED] and to adopt a Rural Living Zone, or split-zone, outcome that is evidence-led, proportionate and consistent with the Section 8A framework for zone and code application.

Submission to the Tasmanian Planning Commission
Draft Kingborough Local Provisions Schedule
(via Kingborough Council – Direction 69 Process)
[REDACTED], Neika

Pitt & Sherry
(Operations) Pty Ltd
ABN 67 140 184 309

Phone 1300 748 874
info@pittsh.com.au
pittsh.com.au

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