
From: Adam Marshall [REDACTED] >
Sent: Monday, 4 May 2026 12:54 PM
To: Kingborough LPS
Subject: Kingborough draft Local Provisions Schedule (LPS)
Attachments: Letter to Tasmanian Planning Commission.pdf

Dear Ms Graham

Please see correspondence **attached**.

Yours faithfully
Adam Marshall

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OUR REF: AGM:20260090
YOUR REF: DOC/26/36829

4 May 2026

Mr N Heath
Tasmanian Planning Commission
KingboroughLPS@planning.tas.gov.au

Dear Mr Heath

RE: KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE (LPS)

PROPERTY: [REDACTED], OYSTER COVE TAS 7150

CERTIFICATE OF TITLE [REDACTED]; PID [REDACTED]

We act for Peter Frederick Brooking, the registered proprietor of the above property. We are responding on his behalf to the Tasmanian Planning Commission's letter dated 2 April 2026 concerning the zoning of the above land under the Kingborough draft Local Provisions Schedule.

Our client objects to the recommendation in the Ireneinc report that his property be split zoned Landscape Conservation and Rural Living. He submits that the whole of the lot should be zoned Rural Living.

1. Submission

The proposed split zoning does not appropriately reflect the existing zoning, nor the characteristics, use, and planning context of the land. The more appropriate zoning outcome is for the entirety of the title to be included in the Rural Living Zone.

The split zoning of a single title imposes an unnecessary constraint on the coherent use and development of the land and does not, in this instance, represent the most suitable planning outcome. The land should instead be zoned uniformly to provide a clear, consistent, and practical planning framework.

2. Grounds of objection

The grounds of objection are as follows.

2.1 Interim Planning Scheme Zoning

The Interim Planning Scheme zoning for the whole property was Rural Resource Zone.

The Planning Authority has indicated that it wishes to apply the least restrictive applicable zoning under the Tasmanian Planning Scheme. Specifically, "where more than one zone is considered appropriate for a particular area, the least restrictive alternative should be applied". It is submitted in this instance that the Rural Living Zone is the least restrictive applicable zoning.

2.2 Inappropriateness of split zoning on this title

The application of both the Landscape Conservation Zone and the Rural Living Zone to a single title creates unnecessary complexity and will unreasonably constrain the use and development of the land.

A split zoning arrangement produces uncertainty in relation to:

- siting of future buildings and works;
- vegetation management;
- ancillary residential use and development;
- the practical enjoyment of the land as a single holding; and
- the efficient administration of the planning scheme.

It is submitted that a single zoning across the whole property would better promote certainty, consistency, and proper land use planning outcomes.

2.3 Landscape and environmental considerations

Our client does not accept that the part of his land currently identified for Landscape Conservation warrants separate zoning in the circumstances.

The vegetation on that part of his land currently identified for Landscape Conservation is all regrowth having been extensively logged from the early 1900s onwards. Furthermore, three major bushfires subsequently destroyed all remaining vegetation.

If the Commission considers that there are environmental or landscape values associated with that part of our client's land, those matters do not necessarily require the application of a separate zone. Such matters would be capable of being addressed, where relevant, through the existing provisions of the planning scheme, the applicable Scenic Protection Code (all of the subject land being above 100m elevation), permit assessment processes, and other appropriate planning mechanisms.

Accordingly, the retention of the Landscape Conservation Zone over part of our client's land is not the most appropriate or proportionate planning response.

2.4 Fair and orderly use of the land

A whole-of-lot Rural Living zoning would better enable the fair, orderly, and practical use of the land as one title. It would avoid fragmented planning treatment of the property and would provide a more rational basis for future use and development.

That outcome would also better align with our client's reasonable owner expectations for the land.

Removal of the Landscape Conservation Zoning over that part of our client's property would not result in fragmentation of any surrounding property zoning.

2.5 Unwarranted Reduction of property value

Our client believes that the proposed split zoning would seriously reduce the saleability and value of his property with no appreciable planning benefit.

3. Response to Ireneinc recommendation

While the Ireneinc report recommends retention of the exhibited split zoning, that recommendation does not adequately account for the planning disadvantages of split zoning on this title or the suitability of the land as a whole for inclusion in the Rural Living Zone.

For that reason, it is submitted that the Ireneinc recommendation be rejected in relation to this property.

4. Relief sought

The land at [REDACTED], Oyster Cover TAS 7054, being Certificate of Title [REDACTED] should be wholly zoned Rural Living

5. Hearing

Please provide notice of any hearing date and any applicable timetable as our client may wish to provide further submissions or supporting material.

Please confirm receipt of this submission.

Yours faithfully

FINLAY WATCHORN



AGR MARSHALL

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