
From: Oliver Heyward [REDACTED]
Sent: Saturday, 2 May 2026 12:20 PM
To: Kingborough LPS
Subject: Submission in relation to Ireneinc Report. [REDACTED], Neika [REDACTED]
Attachments: Submission - [REDACTED], Neika [REDACTED].pdf

Hello,

Please accept my attached letter, which is my formal submission in relation to the Ireneinc Report for my property, [REDACTED], Neika [REDACTED]

If you have any questions or would like to discuss, please do not hesitate to contact me. This email address or by phone on [REDACTED].

Regards, Oliver
LANDOWNER

2nd May 2026

Oliver Heyward

Neika TAS 7054

To the Tasmanian Planning Commission,

██████████, Neika (██████████)

Many thanks for your two letters, dated 2 April 2026, regarding my property, ██████████
██████████ Neika, and the Tasmanian Planning Scheme Kingborough draft Local Provisions Schedule (LPS).

Your letter advises that my property was exhibited within the Landscape Conservation Zone (LCZ) and was recommended in the Ireneinc report to remain within the LCZ.

I was not able to make a representation during the period that the Kingborough draft LPS was on public exhibition due to being uncontactable at the time. I very much appreciate the opportunity the Commission has given me now to make a formal submission. This letter is that submission.

██████████ spans two titles. Lot 2 has an established residential use, with an existing house. Lot 1 is vacant land. The intention for Lot 1, in the future when affordable, is to obtain a planning permit for a new single dwelling to comply with the bushfire management standards.

It is my position that the Ireneinc report did not demonstrate an adequate site-specific assessment of ██████████ or that of the local area. The author of the report did not consult me as landowner and does not appear to have considered relevant site-specific information that should be considered in their review and recommendations.

This submission contends that the application of the LCZ to ██████████ is inappropriate and not supported by site-specific evidence. The Rural Living Zone (RLZ), specifically Zone C, provides a more accurate reflection of the long-established rural living use and lot size pattern. Rural Living gives priority to the protection of residential outcomes, which is appropriate in this case.

The Folio Plan containing both lots is attached for reference.

1. Characteristic of the area

The surrounding locality exhibits a clear and established pattern of rural-residential development, characterised by small holdings (approximately 4ha) supporting dwellings, pasture, and low-intensity rural use. This pattern is inconsistent with the intent of the LCZ, which is typically applied to large, undeveloped parcels with demonstrable conservation values.

Council has not undertaken community consultation in our area to support their assessment of landscape value. Our local community (specifically ██████████ and ██████████) is close-knit and has had much discussion on this matter. The collective view (based on my discussions and our local social media) is that our landscape, and the way we identify with it, is characterised as rural living.

It follows that [REDACTED], and the area more broadly, should be zoned Rural Living Zone.

In summary:

- The area is characterised as providing for a residential use, in a rural, bushland setting.
- Neither Council or Irene Inc. has undertaken local community consultation to support their assessment of landscape value in our area
- The collective view of my neighbours (based on my discussions and our local social media) is that the local character of our area is inconsistent with the intent of the LCZ, is characterised as rural living, and would more appropriately be zoned RLZ.

2. Lot size

The average existing lot size along [REDACTED], and [REDACTED] is around 4ha, with a few larger parcels, such as [REDACTED] amongst them. The majority of lots in this area have existing houses, and given the relatively small average lot size, the area should be characterised as providing for a residential use, in a rural, bushland setting. The acceptable solution for a subdivision in LCZ is for lots not less than 50ha (20ha if assessed under the performance criteria), whilst the acceptable solution minimum lot sizes within the Rural Living Zone, Zone A; Zone B; Zone C; and Zone D, are 1ha; 2ha; 5ha; and 10ha respectively.

[REDACTED] are 4.856ha and 3.996ha respectively, and as such would more appropriately be zoned Rural Living under Zone C, therefore preventing further subdivision, but allowing for the rural living use that is existing in the area.

In summary:

- The existing lot size pattern is inconsistent with LCZ objectives.
- The existing lot size pattern is fundamentally incompatible with LCZ provisions and aligns directly with RLZ Zone C controls.

3. Assumptions made regarding values and risks

[REDACTED] is affected by multiple overlays including:

- Scenic Landscape Area
- Biodiversity Protection Area
- Waterway and Coastal Protection Area
- Landslide Hazard Area
- Bushfire Prone Area

Should any future development application propose tree removal, Kingborough Council's Biodiversity Offset Policy may also apply.

The lower title (Lot 1, north) has never been specifically assessed for natural values. The assumption that the site contains natural values is not established.

A natural values assessment that was done in 2025 for Lot 2, to the south, identified numerous infestations of Spanish heath (*Erica lusitanica*) which is a declared weed in Tasmania. We have confirmed independently that the Spanish heath problem extends throughout Lot 1 also. As responsible landowners we are actively working to control this weed throughout the property.

This is also a requirement of the Biosecurity Act 2019. This requires construction and maintenance or access, vegetation management etc. Continuation of these activities is more likely to be supported under RLZ, than LCZ.

If zoned RLZ, it is implausible for 'risk' activities, identified by the Council in its broad consideration of RLZ, to be pursued on [REDACTED], including grazing, service stations, subdivisions, etc. The land is steep, largely vegetated, and has an existing lot size unlikely to allow further subdivision. The use would continue as it is now, residential.

In summary:

- There is no verified natural values for Lot 1.
- There are existing weed infestations (Spanish heath), contradicting assumed natural value.
- Ongoing management of Spanish heath, and compliance with the Biosecurity Act 2019 is more likely to be supported under RLZ, than LCZ.
- LCZ adds no further protection that RLZ, plus these overlays, and the Biodiversity Offset Policy cannot provide.
- Council's stated 'risk' activities, associated with the application of RLZ, are implausible on [REDACTED].

4. Established residential land use objectives

The lots in this area, when created, were clearly intended for housing and rural living. They were, however, created under an outdated planning framework that did not require legal access or provide suitable building envelopes. As a result, Lot 1 lacks direct road frontage and does not have a building envelope. No legal right-of-way currently exists for Lot 1 to [REDACTED]. This legacy constraint is inconsistent with modern planning schemes and practices.

In 2025, we engaged Form Planning to explore options for the establishment of a legal access and building envelope for Lot 1. Our objective was to align the lot with contemporary planning standards so that we could ultimately construct legal access and build a house on the land.

Separately, a planning permit for a dwelling addition and 4WD access track has recently been approved and constructed for Lot 2 (DA2024-175). The 4WD track connects to existing fire trails and provides access to Lot 1. It was acknowledged by Council officers (meeting on 8 July 2025) that if upgraded, it could be utilised as a legal and compliant vehicular access to Lot 1 (for a future residential use) to minimise the need for further clearing. A design for the access alignment was prepared by a qualified civil engineer and confirms compliance with bushfire management standards for residential access.

Form Planning established that, under the Kingborough Interim Planning Scheme 2015, there is a clear and reasonable pathway for Council to consider an application for access and building envelope establishment on [REDACTED], Neika. And that this approach would therefore provide certainty for us and support future planning outcomes. This planning pathway was outlined in a letter from Form Planning to Kingborough Council dated 5 November 2025. The letter outlined how the planning pathway aligns with current planning scheme provisions and sought Council's feedback on progressing an application. Our intention, if likely to be accepted by Council, is to make this application.

Our desire for a residential use to be created on Lot 1 has long been established with the Council. Form Planning (a Tasmanian town planning consultancy with combined 30 years'

planning experience) has established that a planning pathway exists for this to occur under the current Kingborough Interim Planning Scheme 2015. A change to LCZ would bring uncertainty to that pathway. RLZ would more closely align with our established use and objectives for the property, and allow us to proceed with our future plans for a residential use and house construction, when we're in a financial position to do so.

We are actively pursuing the progression of Lot 1 toward a functional residential lot. This is supported under the current planning framework. This trajectory aligns with the intent and provisions of the RLZ, which anticipates residential use on appropriately sized lots.

In contrast, application of the LCZ would introduce uncertainty to this established and reasonable planning pathway and is not aligned with the intended outcome for the land.

In summary:

- Lot 2 has an established residential use.
- Lot 1 is subject to a clearly defined and actively pursued pathway toward residential use.
- This pathway is supported under the current planning scheme.
- The RLZ aligns with this trajectory, whereas the LCZ does not.

5. *Bushfire protection and land management to support existing rural-living use*

Neika is largely vegetated and recognised as a bushfire-prone landscape. However, the many small holding properties in Neika are already occupied, and the locality has long been established as rural-living. The Planning Scheme must allow the rural living use to continue and support landowners in safely managing their land for weeds and bushfire risk.

Landowners currently manage their land for bushfire prevention, to the extent possible, under the planning and other Council controls. For the safety of residents in the area, landowners must have the ability to undertake practical land management activities, including maintaining of access, fuel reduction, thinning of vegetation etc. Over the decades of owning this property, we have actively managed lots 1 and 2 for both bushfire and weeds. These activities have been carried out under existing planning controls, safely, to support our rural-living lifestyle on the property. Under the LCZ, residential occupation (and associated land management) is subordinate to conservation, and such land management activities would not be a priority outcome. We do not support this, and a continued ability to manage the land under RLZ is needed.

The strategic purpose of the area should be to support existing residents to manage their land in a safe manner. The zoning most applicable to that purpose is RLZ. Where there are landscape values to conserve, the various overlays and Council policies already provide adequate control.

Neika is not an untouched natural landscape. Many houses exist in the area, and those who live here share the same need to manage their land safely. Application of LCZ in Neika, simply because it is vegetated, is misaligned with the existing use. Preventing or constraining land management activities in preference for land conservation would simply be unsafe for landowners.

In summary:

- Neika, including [REDACTED], it not an untouched natural landscape. It has a long-established rural-living use that requires land management practices to continue to maintain safety.
- Bushfire risk is very real to us and our neighbours. We require a planning scheme that supports practical land management activities.
- RLZ recognises that the land is already occupied, and is more likely to support necessary land management. LCZ has landscape protection as the dominant objective, which is not aligned with the existing use and land management practices.

Conclusion

For the reasons outlined above, the application of the Landscape Conservation Zone to [REDACTED], Neika, is not supported by site-specific evidence or consultation; is inconsistent with the established character of the area; and introduces unnecessary uncertainty to a clearly defined and reasonable residential planning pathway for Lot 1.

The planning scheme should recognise and support the existing use and land management practices on the property through RLZ. LCZ does not prioritise residential, rural living outcomes and would constrain the continued safe occupation of the land.

The Rural Living Zone (Zone C) gives priority to residential use, amenity, and land management activities, and is the appropriate zoning for the [REDACTED] and the area more broadly. RLZ should be applied.

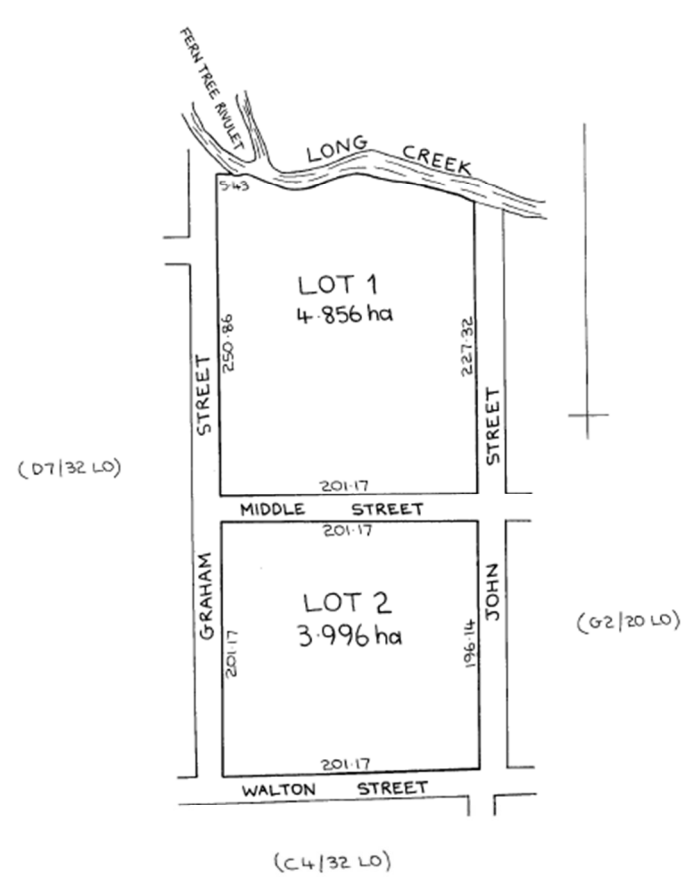
I thank you again for the opportunity to make this formal submission.

Regards, Oliver

[REDACTED]

LANDOWNER – [REDACTED], NEIKA

OWNER		PLAN OF TITLE		REGISTERED NUMBER
FOLIO REFERENCE CT [REDACTED]		LOCATION TOWN OF SUMMERLEAS (SECTION 062)		P 121712
GRANTEE		FIRST SURVEY PLAN No. (07/32 LO)		APPROVED 11 DEC 1995
		COMPILED BY LTO		<i>Michael Quinn</i> Recorder of Titles
		SCALE 1:2500		LENGTHS IN METRES
MAPSHEET MUNICIPAL CODE No.	LAST UPI No.	LAST PLAN No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	
BALANCE PLAN				



DB

Note that:

6. [REDACTED] is part of [REDACTED] (private road extension from Council-maintained)
7. Graham Street and John Street have never been constructed as roads. These are Crown Land parcels. When created, these were envisioned to become residential roads.