
From: Tony McIntyre <[REDACTED]>
Sent: Monday, 4 May 2026 9:41 PM
To: Kingborough LPS
Subject: Submission - Kingborough LPS Direction 69 - [REDACTED], Fern Tree
([REDACTED])
Attachments: KLUB [REDACTED], Fern Tree LTR 040526.pdf, [REDACTED] Submission -
Page 3 signed.pdf

Please find attached submission in relation to [REDACTED], Fern Tree – Folio [REDACTED]

Regards – Tony & Mandy McIntyre

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

To the Tasmanian Planning Commission,

I write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends our property remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

I did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission regarding the draft LPS. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. I understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite me to discuss the matters raised.

I take up that opportunity and submit as follows.

PROPERTY DETAILS

Landowner name(s)	Tony John & Mandy Jane McIntyre
Property address	██████████, Fern Tree, TAS 7054
Title reference (folio)	██████████
Lot size (approx.)	22 ha
Locality	Kingston West
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone (RLZ) — Rural Living Zone D

STATEMENT OF POSITION

I don't believe Landscape Conservation Zone is the correct zoning for our property as it has been used as a residence for over 20 years, has minimal native vegetation and records show a long history of farming in this area. Our property size 22 ha and its use is more closely aligned with Rural Living Zone.

I submit that the application of the Landscape Conservation Zone (LCZ) to our property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for our property under the draft Kingborough LPS.

The specific subcategory I seek is

- Rural Living Zone D

GROUNDS FOR THIS SUBMISSION

Our property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During our tenure, the primary use and strategic intention of the land is and has always been residential. The property contains a dwelling constructed over twenty years ago and has been continuously occupied as a residence and is serviced by Aurora energy and Tas Networks.

The Ireneinc Locality Report for West Kingston does not identify any specific landscape values on our title. The landscape value assessment is made at locality level without reference to the characteristics of our individual property and does not automatically justify LCZ over existing occupied private titles.

Our property has an area of 22 ha. This is consistent with the RLZ [D], minimum lot size of 10 ha and does not provide for further subdivision under that subcategory. Subdivision of our property under this subcategory would be significantly constrained, addressing any concern about intensification.

Our property contains an established dwelling and also has current development approval (DA-2025-123) for an additional dwelling dated 22/8/25. There are also associated outbuildings including machinery shed, carport, sheds, BBQ Area and pergola, established garden, cleared areas, dams, paddocks previously used for sheep, goats and alpacas, a chicken coop, fruit trees and fencing. The property has been used for residential purposes for in excess of twenty years.

Our property is situated within a cluster of 20+ properties along [REDACTED] each with lot sizes ranging from approximately 1 ha to 22 ha. The settlement pattern is consistent and is well established. Neighbouring properties contain detached dwellings with associated rural activities including hobby farming / grazing / orchards / etc. and has a local land use history of;

- Logging ~ with photos of the area prior to the 1967 bushfire showing extensive clearings on many properties in this area.
- Farming for past 160 years: 1890's apples and berries. Irrigation trenches, and planting mounds and commuting tracks remain visible on various properties. 1883 Petition regarding request to upgrade [REDACTED] to transport the 40-45 tons of small fruit to market and later converted to grazing of cattle and sheep
- Some properties have continued grazing with sheep, goats, alpacas, draft horses, riding horses and pig farming, as well as fowl and geese

Our property is within a Scenic Protection Area (SPA), Priority Vegetation Area, Waterway and Coastal Protection Code, Landslide code and Electricity Transmission Infrastructure Protection code. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ. It is subject to the PVA overlay which seems strange as there have been and will be bushfires through the area. There are also extensive weeds throughout Kingston West including radiata pine and Spanish heath.

A large portion of the land has been cleared and developed for residential living, as well as for the electrical transmission tower easement and the large number of tracks that were bulldozed when the last fires came through the area and the fire fighters needed access.

During the most recent fire adjacent to our property, the cleared land on our property was used as a helicopter pad and the outdoor BBQ area used as a base for fire fighters. They also used the property for storage of their 20 ton excavator for further clearing and track upgrades, both during and after the fire. Our dam was also made available for firefighters.

The Ireneinc report rates the transition of land in Kingston West to RLZ as **medium risk**. I submit that this rating does not accurately reflect the characteristics of our individual property for the following reasons: and should be **low risk** ~ because as a residential property, the property is well maintained for bush fire, with thinning of vegetation, removal of dead limbs and fallen branches, pruning under and around powerlines, maintenance of driveways and access, fuel reduction around existing dwellings and weed control.

The Kingston West locality, by comparison with Albion Heights & Bonnet Hill, shows that Ireneinc applied near-identical landscape value descriptions and settlement findings to both localities yet recommended [LCZ] for Kingston West and [RLZ] for Albion Heights & Bonnet Hill as well as Howden & Blackmans Bay. Both areas share the following characteristics: lot sizes, settlement pattern, absence of significant landscape values. The predominant lot size in Albion heights and Bonnet Hill is 2-25ha, which is being zoned Full RLZ. Our lot is 22ha, so I see no principled basis on which to treat our property differently.

The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values identified in the locality baseline without resorting to LCZ. Priority overlays should be enough. There are nearby RLZ similar to our property. Currently ELZ as the other properties are and they are being given RLZ why not us.

CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The application of the LCZ to our property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for our property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone D;
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

I hereby request that the folio of the Register [REDACTED] at [REDACTED] Rd, Fern Tree, 7054, be included within the Rural Living Zone D in the Kingborough Local Provisions Schedule.

Signed: Full name: Tony & Mandy McIntyre	Date: Contact email: [REDACTED]
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ACRONYMS / TERMS USED IN THIS SUBMISSION

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
LCZ	Landscape Conservation Zone
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

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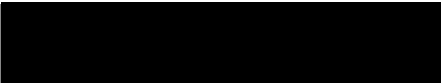
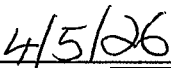
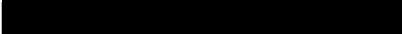
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Signed:  Full name: Tony & Mandy McIntyre	Date:  Contact email: 
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