
From: Matt Breen <[REDACTED]>
Sent: Monday, 4 May 2026 6:06 PM
To: Kingborough LPS
Subject: Zoning of property
Attachments: Matt Breen.pdf

Regards, Matthew Breen

29 April, 2026

Matthew John Breen

Sandfly TAS 7150

Phone: [REDACTED]

Tasmanian Planning Commission

Level 3, 144 Macquarie Street

Hobart TAS 7000

Via email: KingboroughLPS@planning.tas.gov.au

To the Tasmanian Planning Commission,

I am writing following receipt of the Tasmanian Planning Commission's correspondence dated 2 April 2026, which advised—through reference to the Irene Inc Direction 69 report—that my property is proposed to remain within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

Until receiving this notice, I was not aware that my property had been identified for inclusion within the LCZ. I had not lodged any prior representation or correspondence in relation to the draft LPS, as this is the first occasion on which the proposed zoning of my land has been brought to my attention. I understand that this stage of the process allows for written matters to be considered as part of the Commission's assessment, notwithstanding that the making of a submission does not of itself provide an entitlement to be heard.

In light of this, I now provide the following submission for the Commission's consideration.

PROPERTY DETAILS

Landowner name(s)	Matthew John Breen
Property address	[REDACTED] Sandfly
Title reference (folio)	[REDACTED]
Lot size (approx.)	0.54ha
Locality	Sandfly & Kaoota
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Irene Inc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone A

Context and Position of the Submission

This submission is made in response to the proposed application of the Landscape Conservation Zone (LCZ) to the subject land under the Draft Tasmanian Planning Scheme.

The land comprises a **0.54-hectare allotment** containing a permanently occupied dwelling and a small ancillary shed. Residential occupation has occurred continuously for more than fifteen years. The land is located within the Talbots Road settlement and adjoins larger residential and rural living properties that form part of the same established settlement pattern.

The representor submits that the proposed LCZ application does not reflect the land's actual characteristics or function and that, when assessed properly, the land aligns clearly with the **Rural Living Zone (RLZ)**.

Physical Condition and Current Use of the Land

The subject land is **fully developed and largely cleared**. Apart from the dwelling, a small outbuilding, and associated residential curtilage, there is no substantive remaining vegetation on the site. There is no intact bushland, no remnant landscape feature, and no ecological or scenic element capable of meaningful conservation.

The land functions exclusively as a residential allotment. Its condition is the product of long-established lawful use and is neither reversible nor transitional in nature.

Longevity of Occupation and Established Planning Role

Residential use of the site has been continuous for over fifteen years. This period of occupation is not incidental; it establishes the land's role within the local settlement.

From a planning perspective, land that has long functioned as part of an established residential area cannot logically be treated as land held for future conservation purposes. The zoning question must respond to the reality of use, not disregard it.

Relationship to Surrounding Development

The land sits within a defined residential cluster along [REDACTED]. Adjoining sites include larger residential and rural living properties with permanent dwellings, some of which retain more vegetation and have greater capacity to contribute to landscape values.

Applying the most restrictive conservation zoning to the **second smallest and most intensively developed lot in the cluster** is inconsistent with coherent boundary logic. The resulting outcome is driven by mapping rather than land attributes.

Settlement Pattern and Arbitrary Boundary Delineation

It is also relevant to consider the **internal consistency of zoning outcomes along [REDACTED]** itself. Of the approximately **25 parcels** forming the [REDACTED] settlement, the subject land is the **second smallest allotment**, at just **0.54 hectares**. Despite this, only five properties within the settlement have been proposed for inclusion within the Landscape Conservation Zone, with the substantial majority retaining zoning that reflects established residential and rural living use.

The effect of this distribution is that LCZ has been applied selectively to a small number of properties located at the upper elevations of the settlement, rather than in response to any clear or consistent distinction in land use, vegetation cover, or development intensity. In practical terms, the mapping outcome appears to reflect a process of **topographic delineation rather than planning assessment**, where the "upper portion" of the hill has been zoned by elevation rather than by reference to the actual characteristics or function of individual lots. This approach results in the smallest and most intensively developed residential parcels being captured by LCZ, while larger and less-modified adjoining properties are excluded.

Such an outcome underscores that the LCZ boundary does not derive from a principled application of landscape conservation criteria. Instead, it reflects an arbitrary zoning edge that cuts across an otherwise coherent rural living settlement. This further reinforces that the subject land has been zoned on the basis of where a boundary line has been drawn, rather than what the land is, how it functions, or whether it is capable of contributing to any meaningful conservation objective.

Misapplication of the Landscape Conservation Zone Against the Zone Application Guidelines

The recommendation to retain the Landscape Conservation Zone over the subject land is not supported by the Zone Application Guidelines governing the application of LCZ under the Tasmanian Planning Scheme. Those Guidelines make clear that LCZ is to be applied where land performs an identified and substantive landscape conservation role, and where the protection of existing, intrinsic landscape values is the primary planning objective.

In this case, the LCZ recommendation appears to rely on associative or contextual factors—such as relative elevation or a broadly vegetated setting—rather than on any demonstrated landscape value inherent to the subject land. This approach is inconsistent with the Zone Application Guidelines, which require zoning to respond to the land's actual condition, characteristics, and function, rather than its position within a wider area or its proximity to undeveloped land. By placing weight on such contextual attributes, the proposed zoning effectively treats LCZ as a default successor to the former Environmental Living Zone, rather than as a zone requiring its own independent justification. The Guidelines do

not support the use of LCZ as a transitional or holding classification in the absence of a clear and defensible conservation purpose.

The delineation of the LCZ boundary further demonstrates this departure from the Guidelines. The zoning change occurs precisely at the point where the Council-maintained section of [REDACTED] ends and a Crown reserve road begins. The Zone Application Guidelines do not identify land tenure, administrative responsibility, or road ownership as relevant considerations for LCZ application. Instead, zoning boundaries must be derived from land use function, settlement pattern, and the presence of demonstrable landscape values.

The Crown reserve road has, for more than twenty years, functioned as established access to permanent residences at the upper end of [REDACTED]. Its status has neither constrained residential settlement nor established the surrounding land as being held for conservation purposes. Reliance on the presence of a Crown reserve road as justification for LCZ application improperly conflates land ownership arrangements with land use function, contrary to the intent of the Guidelines.

The resulting zoning boundary therefore reflects where Council road responsibility ceases, rather than where residential settlement ends or where any genuine transition in landscape character occurs. The Zone Application Guidelines explicitly discourage zoning outcomes that are not supported by site-specific analysis. In this instance, there is no discernible change in land condition, vegetation integrity, use, or development intensity corresponding with the LCZ boundary. The zoning line accordingly lacks a defensible planning rationale.

The absence of any functional or physical transition is reinforced by the presence of essential infrastructure. Electricity reticulation extends along the full length of Talbots Road, including the Crown reserve section, servicing dwellings at its termination. Reticulated power is a recognised indicator of established and intended residential land use. The Zone Application Guidelines for conservation-focused zones do not contemplate the inclusion of fully serviced residential land where no conservation outcome can realistically be achieved.

Accordingly, the LCZ boundary in this location does not reflect a change in servicing, accessibility, land use function, or landscape value. Instead, it follows an administrative distinction with no relevance to the statutory tests for zone application. This confirms that the LCZ recommendation is not founded on the intrinsic qualities or capability of the subject land, but on an arbitrary boundary condition unrelated to the purpose or criteria of the zone.

Application of the Irene Inc Evaluation Methodology

The Irene Inc assessment framework was developed to identify land genuinely suited to LCZ designation. When applied to the subject land, it leads to a clear conclusion: the land does not meet LCZ criteria and instead aligns with rural living use.

- *Degree of Landscape Modification*
LCZ presupposes the existence of an identifiable landscape capable of protection. The subject land has been modified to such an extent that no such landscape remains. Built form dominates the site, leaving no conservation resource that zoning can reasonably protect.
- *Dominant Built Form and Functional Character*
The permanently occupied dwelling defines the land. Residential use is not ancillary; it is the sole function of the site. This is precisely the circumstance RLZ is intended to address.
- *Proportionality and Practical Outcome*
Overlay controls already apply to the land to manage bushfire risk, scenic value, and other considerations. The imposition of LCZ adds no practical conservation outcome and instead introduces regulatory complexity unsupported by benefit.

Purpose Clause Analysis and Absurdity Test

The verbatim purpose of the Landscape Conservation Zone, as set out in clause 22.1 of the Tasmanian Planning Scheme, is:

"22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values."

Applying this purpose to the subject land produces an untenable result.

There are **no landscape values** present on this site capable of protection, conservation, or management. The land consists of a dwelling, a small shed, and cleared residential yard. The application of LCZ therefore cannot achieve limb (22.1.1), because there is nothing to protect or conserve. Equally, limb (22.1.2) cannot operate, because it presupposes the existence of landscape values against which compatibility can be assessed.

This creates a classic **absurdity test** outcome: a statutory purpose clause is applied to land that does not satisfy the conditions necessary for the clause to operate at all.

A zoning that cannot articulate **what it is protecting** fails to perform its statutory function. In this case, LCZ does not conserve a landscape; it mislabels a residential lot.

Suitability of the Rural Living Zone

The Rural Living Zone is expressly intended to accommodate established residential use within rural settings, supported by overlays addressing site-specific constraints. The subject land meets this intent in every material respect. RLZ zoning would:

- Reflect the land's long-established residential use
- Maintain consistency with adjoining properties
- Preserve coherent settlement planning
- Avoid fictitious conservation outcomes

Implications of Retaining LCZ

Retaining LCZ would:

- Apply a conservation tool where no conservation outcome is possible
- Create an internal inconsistency within the settlement
- Undermine confidence in zoning logic and boundary rationale

Most fundamentally, it would purport to conserve a landscape that no longer exists.

Requested Determination

The representor respectfully requests that:

- The Landscape Conservation Zone not be applied to the subject land; and
- The land be zoned **Rural Living Zone (RLZ)** to accurately reflect:
 - Its physical condition
 - Its long-established residential use
 - Its settlement context
 - The proper application of the Irene Inc evaluation framework

This outcome would also restore internal consistency to the [REDACTED] settlement and align zoning with demonstrable land capability.

Final Statement

This submission seeks a zoning outcome grounded in reality and statutory coherence. Applying the Landscape Conservation Zone to a small, fully developed residential allotment with no landscape values to conserve is not a defensible planning outcome.

The Rural Living Zone is the only classification that satisfies both the facts on the ground and the intent of the planning scheme.

Yours sincerely,

[REDACTED]
Matthew Breen