
From: Theodore [REDACTED]
Sent: Tuesday, 28 April 2026 9:52 PM
To: Lara Dimitriou; Theodore; Kingborough LPS
Subject: CM: Formal submission for Kingborough LPS
Attachments: To the Tasmanian Planning Commission.docx

Please find attached submission for [REDACTED] Fern Tree

Kind regards

Theo and Lara

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 my 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, however I understand that the Commission has received correspondence from me or on my behalf in relation to the draft LPS. I understand that this letter provides me the opportunity to formally participate in this stage of the LPS process by making a written submission. 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.

Landowner name(s)	Lara and Theodore Dimitriou
Property address	██████████, Fern Tree, Tas 7054
Title reference (folio)	██████████
Lot size (approx.)	5 acres
Locality	Fern Tree
Current IPS zone	Environmental Living Zone
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

We submit that the application of the Landscape Conservation Zone (LCZ) to my 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).

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

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

We purchased this property in 2023 with the intentions of carrying out typical activities of country living - keeping hens and undertaking hobby fruit and vegetable growing. We purchased under the impression that this would be our future, based on the then Environmental Living Zoning, and the strong history of residential and agricultural use our title and the surrounding area holds. We are now concerned about discretionary permit requirements to continue these activities and our property value being significantly reduced.

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.

Our property had a dwelling constructed in 1996 and has continuously been occupied as a residence since this time. Our property is serviced by Tas Networks. There has been 160 years of continuous rural living activities on this land including cattle grazing and small fruit production. There is no current evidence to suggest a primary use of this land for anything other than residential except for the historical and physical evidence of agricultural use. Physical evidence of agricultural use includes a large irrigation ditch running through both our and adjacent properties and the remnants of large, rusted machinery and water reservoirs; on our property, above the forest line. Historical evidence against LCZ include a historical petition for the council to improve the road to facilitate trucks transporting produce from the location.

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for our property. The Ireneinc report applies the LCZ to our property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to our title.

Our property contains, and is surrounded by, acres of invasive flora including, Erica, Bullrush, Pinus Radiata and Digitalis/Fox Glove, alongside other poaceae, broadleaf and woody pest species. We have no threatened flora species within 5km of our property according to the Natural Values Atlas used by the planning proposal. Our property backs on to a large high voltage powerline easement which is thick with introduced invasive species. We have no significant waterways on our property and much of the property has been largely cleared of native vegetation, with a large amount of non-native tree species having been planted by previous owners – evident on historical Google Earth imagery. This clearance, and ability to maintain it at it's current level is critically important for fire hazard reduction. We are concerned that in the event of loss our home due to fire, we may be unable to reinsure and therefore may be forced to default on our mortgage.

The Zone Guidelines expressly states: 'The LCZ is not a replacement zone for the ELZ...' On the basis of the above there is no demonstrable or reasonable justification for our property to be zoned as LCZ.

Our property has an area of 2.031 hectares. This is consistent with the RLZ B minimum lot size of 2 hectares, and does not allow for further subdivision. We are not interested in further subdivision.

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower order rural activities, with priority given to the protection of residential amenity. This description accurately characterises our property.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the ELZ in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied. Our property satisfies both elements of this criterion.

Properties further up [REDACTED] have been proposed to be zoned partially or wholly as RLZ under Hobart City Council. This is despite them being overlaid with Scenic Protection Area. Several of these lots have a greater proportional vegetation cover than our title contains. Therefore, there is no identifiable difference in landscape values or vegetation cover that would justify the difference in treatment of our property. The report by Ireneinc has even suggested that our property, and that of our neighbours, could be suitable for RLZ but has suggested to zone it to LCZ to keep uniformity with HCC – in this it was mistaken as those properties have not been zoned to LCZ but to RLZ.

In conclusion, the guidelines state that LCZ should not be applied to primarily residential titles. Therefore applying LCZ to land primarily used for, and intended for residential purposes is, by the guidelines' own terms a fundamental mismatch and, inappropriate.

Thank you for your consideration.

Sincerely,

Theodore & Lara Dimitriou