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Sent: Monday, 4 May 2026 9:39 PM
To: Kingborough LPS
Cc: Emine Lewis; Lelia Meffre
Subject: Group Submission - Summerleas Rd Fern Tree - Response to Ireneinc Review
Attachments: KCC LPS - Group Submission - Summerleas Rd Fern Tree - Response to Ireneinc Review JB040526.pdf

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Dear Commission Delegates

Please find attached a Submission by residents of Summerleas Rd, Fern Tree, in response to the Ireneinc Review/ Direction 69 response.

Do not hesitate to contact me should you require additional clarification on any matter contained within this submission.

Kind regards

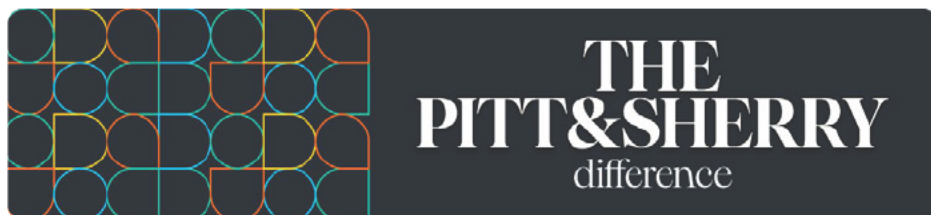
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pitt&sherry acknowledges the Traditional Custodians of the many Countries throughout Australia and their connections to land, sea and community. We acknowledge the contributions and sophistication of Aboriginal and/or Torres Strait Islander knowledge

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To: Tasmanian Planning Commission
Attention: Panel/Commissioner(s) considering the draft Kingborough Local Provisions
Schedule
via email: kingboroughlps@planning.tas.gov.au

**Re: Submission – Draft Kingborough Local Provisions Schedule (Direction 69
response) – Fern Tree / Summerleas Road locality**

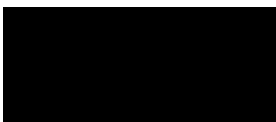
We write on behalf of affected landowners in the Fern Tree / Summerleas Road locality in relation to the proposed application of the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule, and in response to Direction 69 and the Ireneinc review commissioned by Kingborough Council.



This submission requests a more proportionate zoning outcome for the established residential and rural-living titles along Summerleas Road, recognising the existing settlement pattern and the practical realities of bushfire risk and land management.

The preferred outcome is the application of the Rural Living Zone (RLZ) with an appropriate minimum lot size sub-area to reflect the existing title pattern and avoid unintended subdivision. Alternatively, the Low Density Residential Zone (LDRZ) should be considered for smaller lots where the primary function is clearly residential and where hazard, access, servicing and topographic constraints limit any realistic intensification. Split zoning should only be applied where a discrete part of a title contains landscape values that genuinely require LCZ.

Yours sincerely,



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Attachments:

1. Attachment 1 – Participating and concerned landowners
2. Attachment 2 – Tree Management Duplication

4 May 2026

**Submission to the Tasmanian Planning Commission
Draft Kingborough Local Provisions Schedule**

**Fern Tree / Summerleas Road Locality
Response to Ireneinc Review, Direction 69 response**

Prepared for: Affected landowners in the Fern Tree / Summerleas Road locality

Prepared by: Justine Brooks RPIA – pitt&sherry

Executive Summary

This submission responds to Direction 69 and the Ireneinc review commissioned by Kingborough Council regarding the proposed application of the Landscape Conservation Zone (LCZ) to land in the Fern Tree / Summerleas Road locality under the draft Kingborough Local Provisions Schedule.

It is made on behalf of landowners along Summerleas Road, Fern Tree, who are concerned that the proposed zoning does not properly recognise the existing residential settlement pattern, the practical realities of bushfire risk, or the need for active property management in a highly vegetated and access-constrained location.

This submission accepts that Fern Tree and Summerleas Road have genuine landscape qualities. The locality is visually distinctive, heavily vegetated and elevated, and forms part of a broader mountain-edge landscape associated with the Wellington Range, including kunanyi / Mount Wellington.

The issue is whether those values require a blanket application of the LCZ to private titles that are already occupied, or whether the same values can be appropriately managed through a more proportionate zoning response (supported by targeted overlays and code provisions), while retaining a zone that better reflects the dominant use and character of the land.

For the reasons set out in this submission, the proposed LCZ is not the best planning outcome for the established residential/rural-living parts of Summerleas Road.

The preferred outcome is the Rural Living Zone (RLZ), with an appropriate Rural Living sub-area selected to reflect the existing title pattern and to prevent unintended further subdivision. Alternatively, the Low Density Residential Zone (LDRZ) should be considered for titles where the primary function is clearly residential and where hazard, access, servicing and topographic constraints limit any realistic intensification.

The central proposition is:

Summerleas Road / Fern Tree has recognised landscape qualities. The question is whether those qualities justify a conservation-led primary zone over an established residential and rural-living settlement.

This distinction goes to the core zoning question and should be reflected in the final zone selection.

The relevant planning question is not whether the locality contains vegetation or scenic qualities, but whether those values require landscape conservation to be the dominant planning purpose for occupied private titles, or whether they can be appropriately managed through a combination of RLZ or LDRZ supported by targeted overlays and code provisions.

The Ireneinc report itself identifies that, in the broader locality, there are clusters of lots in the vicinity of Fern Tree along Summerleas Road in the order of 0.80 ha to 2 ha with residential uses occurring. It also identifies other settlement clusters of 2 ha to 7 ha lots with residential uses and rural activities occurring.

This supports the conclusion that the locality is not an untouched conservation landscape. It is a settled, fragmented, privately owned area where residential occupation forms part of the landscape character. Many properties also support domestic-scale rural activities (for example, keeping livestock and poultry, maintaining vegetable gardens, and small orchards) consistent with a rural-lifestyle pattern of use.

The proposed LCZ risks creating a zoning framework that does not adequately recognise the established residential settlement pattern and the need for ongoing, safety-driven land management on occupied private titles in a bushfire-prone landscape.

The submission respectfully requests that the Commission:

1. Remove the proposed LCZ from the established residential/rural-living titles along Summerleas Road.
2. Apply RLZ as the preferred zone, with appropriate minimum lot size controls to prevent inappropriate subdivision.
3. Consider LDRZ as an alternative for smaller residential lots where the primary function is residential and where constraints limit density.
4. Retain relevant overlays and codes to manage scenic, vegetation, waterway, bushfire and landslip matters.
5. Consider split zoning only where there is clear evidence that a discrete part of a title has landscape values that genuinely require LCZ.
6. Ensure the zoning decision is informed by bushfire access/egress constraints and on-ground preparedness requirements for existing occupied titles, including relevant Tasmania Fire Service guidance.

This submission does not seek to remove vegetation or landscape controls. It seeks a zone and code combination that is proportionate for occupied titles and effective for protecting the specific values identified.

For Summerleas Road, that means recognising existing residential and rural-living occupation through RLZ or LDRZ (dependent on lot size and zone application alignment), while managing genuine landscape and environmental values through targeted overlays and codes.

1. Response to Ireneinc / Direction 69 Review

This submission responds to the Ireneinc review prepared for Kingborough Council following Direction 69 issued by the Tasmanian Planning Commission in relation to the draft Kingborough Local Provisions Schedule.

This submission also notes that affected landowners were not directly consulted as part of the zoning translation and review process. As a result, the Ireneinc review did not benefit from direct landowner input on practical on-ground matters such as bushfire access/egress realities, routine land management requirements, and day-to-day servicing constraints. Those matters are addressed in this submission because they are relevant to the workability and proportionality of the recommended zoning outcome for Summerleas Road, and they would reasonably have informed refinement of the Ireneinc conclusions and any recommended zone boundaries.

The submission concerns the Fern Tree / Summerleas Road locality, where a group of landowners have raised concerns about the proposed application of the Landscape Conservation Zone.

The affected properties are located along Summerleas Road and form part of a visually prominent, bushland-edge settlement connecting the Kingborough side of the Wellington Range with Fern Tree and the broader Wellington

Range landscape. The locality also has a physical and functional relationship with the Neika corridor. The two localities connect through a broader band of bushland, private titles and undeveloped land, and they share many of the same planning issues: vegetation, slope, constrained access, bushfire exposure, existing dwellings, fragmented private ownership and the need for active land management.

However, there are some differences between the two settlements.

Fern Tree / Summerleas Road has its own planning character. It has a strong association with the mountain landscape and forms part of a scenic approach to Fern Tree (and, via Huon Road, the established driving route to The Springs and Pinnacle Road). It may also have clearer landscape conservation elements in parts. That is acknowledged.

But acknowledging landscape value does not answer the zoning question.

The Commission still needs to determine whether the LCZ is the most appropriate primary zone for occupied private residential titles, or whether a less restrictive zone can recognise existing settlement while still protecting the landscape values that matter. This submission says the latter is the better planning response.

2. Requested outcome

The landowners respectfully request that the Commission reconsider the proposed LCZ over the established residential and rural-living titles along Summerleas Road and apply:

1. **Rural Living Zone, preferred**, with an appropriate minimum lot size sub-area to reflect the existing title pattern and avoid unintended subdivision potential; or
2. **Low Density Residential Zone, alternative**, where the title pattern, use, servicing and constraints point more strongly to a residential settlement outcome; or
3. **Split zoning, only where justified**, where there is clear evidence that part of a title contains landscape values requiring protection through LCZ, while the established dwelling curtilage, access, outbuildings and managed domestic land are placed in RLZ or LDRZ.

The submission does not seek an outcome that enables urban expansion or suburban-style intensification. The landowners seek a zoning outcome that recognises existing use, avoids unnecessary regulatory burden, and allows residents to safely and practically manage land in a bushfire-prone setting.

3. Direction 69 and the Ireneinc review

The Ireneinc review is important because it confirms that the translation of the former Environmental Living Zone is not straightforward. It also confirms that LCZ is not simply a replacement zone for all land that was formerly Environmental Living.

The Section 8A material identifies that the LCZ is not a replacement zone for the Environmental Living Zone and is not a large lot residential zone characterised by native vegetation and other landscape values. Rather, the LCZ gives clear priority to protection of landscape values, with residential use largely discretionary.

That statement is central to this submission.

Summerleas Road contains established residential titles. The issue is not whether the landscape has value. The issue is whether residential occupation should be treated as subordinate to landscape conservation on land that is already privately owned, already titled and already occupied.

In relation to the broader locality, Ireneinc records:

- a cluster of 2 ha to 7 ha lots to the west of the locality, generally with residential uses and rural activities occurring;
- small clusters of lots near Fern Tree along Summerleas Road, generally from 0.80 ha to 2 ha, also appearing to have residential uses occurring;
- larger balance parcels ranging from 20 ha to 230 ha, many with dispersed residential uses;
- significant landscape values derived from steep topography, elevated position, extensive bushland cover and waterway corridors;
- scenic prominence as part of a natural bushland entrance to the Kingborough region and an inter-urban break between Hobart and Kingston.

This is a mixed picture and not a simple LCZ case.

The Ireneinc description supports recognition that the locality includes both:

1. land with substantial landscape value; and
2. established residential clusters that require a zoning response aligned with existing occupation.

That distinction should be reflected in the final zoning.

4. What landscape is Council trying to conserve?

This submission accepts that Fern Tree / Summerleas Road has landscape value.

However, “landscape value” must be identified with enough precision to justify the zoning consequence.

It is not enough to say the locality is vegetated, elevated, attractive or part of a scenic route. Those matters may justify careful controls, but they do not automatically justify a conservation-led primary zone over occupied residential land.

Key planning considerations include:

- Is the value the skyline when viewed from Kingston or Hobart?
- Is the value the heavily treed road corridor?
- Is the value the experience of travelling toward Fern Tree and the Wellington Range, including kunanyi / Mount Wellington?
- Is the value the broader inter-urban break between Hobart and Kingston?
- Is the value biodiversity?
- Is the value waterway corridors?
- Is the value the impression of dwellings nestled within bushland?
- Is the value the absence of visible suburban development?

Those are different values, and they require different controls.

If the value is road-corridor character, then siting, setbacks, screening and vegetation retention along the road frontage may be relevant.

If the value is skyline protection, then scenic protection controls may be relevant.

If the value is biodiversity, then natural assets and priority vegetation controls may be relevant.

If the value is hazard management, then bushfire and landslip controls are relevant.

The LCZ may be a less targeted tool where the value being protected is a more specific visual, scenic or ecological feature that can be addressed through overlays and code provisions.

The Commission should not apply LCZ unless Council can clearly identify:

1. what landscape value is being protected.
2. why that value is of sufficient significance to make landscape conservation the dominant planning purpose.
3. why overlays and codes are insufficient.
4. why RLZ or LDRZ cannot retain the same landscape character while recognising existing occupation.

At present, that case has not been made with sufficient precision for the Summerleas Road residential cluster.

5. Landscape conservation is not the same as preserving every tree

In a locality like Summerleas Road, landscape character may be maintained while still allowing:

- thinning of vegetation
- removal of hazardous trees
- removal of dead or poor-quality trees
- pruning around powerlines
- maintenance of sight lines
- maintenance of driveways and access
- fuel reduction around existing dwellings
- weed control
- creation and maintenance of defensible space; and
- selective management of vegetation close to dwellings, roads and services.

The planning framework should distinguish between active land stewardship and inappropriate landscape impacts.

A carefully managed bushland-edge property may retain the visual and scenic contribution of the locality while being safer, more resilient and better maintained.

The reverse is also true.

A property that is heavily vegetated but unmanaged may look “natural” from a distance while creating higher fuel loads, increased risk of falling trees, blocked roads, powerline disruption and reduced evacuation safety.

In planning terms, that is not an effective balance between landscape outcomes and risk management in an occupied settlement context.

For Summerleas Road, the proper planning question is not whether trees contribute to landscape character. Many do. The question is whether LCZ creates the right balance between retaining the visible landscape and allowing residents to manage the land safely.

This submission says it does not.

6. Section 8A Guideline analysis

The Section 8A Guidelines state that the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. They also require the spatial application of zones and codes, as far as practicable, to be coordinated with adjacent municipal areas.

The Rural Living Zone (RLZ) purpose is to provide for residential use or development in a rural setting where services are limited, including where existing natural and landscape values are to be retained. It also provides for compatible rural activity that does not unreasonably impact residential amenity. In Section 8A terms, RLZ is supported where land is functioning as large-lot rural lifestyle living (often with domestic-scale rural activity), with environmental constraints managed through the relevant codes and overlays.

That is highly relevant to Summerleas Road.

The Landscape Conservation Zone (LCZ) purpose is to provide for the protection, conservation and management of landscape values. Section 8A indicates LCZ should not be applied where the dominant planning priority is residential use and development, and also makes clear LCZ is not a default replacement for former Environmental Living land simply because it is vegetated or scenic. The presence of vegetation is not the test; the test is whether landscape conservation is the dominant strategic function of the land.

For the established Summerleas Road residential cluster, the better fit is RLZ or LDRZ, not LCZ.

The LCZ may be appropriate for some larger undeveloped or substantially vegetated parcels in the broader locality, particularly where residential use is minimal or where discrete landscape values genuinely dominate. But that does not justify applying LCZ to every existing residential title along Summerleas Road.

The Guidelines support a more careful approach.

For the established Summerleas Road residential cluster, the relevant statutory question is not whether LCZ can be justified in parts of the locality, but whether LCZ is the zone that achieves the *zone purpose* to the greatest extent possible for that established cluster.

7. Zone application consistency with adjoining municipal areas

The Tasmanian Planning Scheme State Planning Provisions include an express requirement for cross-boundary coordination (clause 3.5):

“A planning scheme must be coordinated with adjacent municipal areas as far as practicable.”

Section 8A Guideline No. 1 (Local Provisions Schedule: zone and code application) similarly states:

“The spatial application of zones and codes should, as far as practicable, be coordinated with adjacent municipal areas.”

Against that policy background, cross-boundary coordination is particularly relevant in mountain-edge locations where settlement patterns and environmental constraints traverse municipal boundaries. In the adjoining Hobart municipal area, there are comparable bushland-edge pockets of established residential use near the Wellington Range (including along parts of the Huon Road corridor) where a rural-living approach has been applied, supported by overlay and code controls for vegetation, bushfire and landslip constraints. This comparison is included for coordination and consistency purposes, recognising that final zoning must still respond to the specific evidence for each municipality and locality.

This cross-boundary context is relevant because Huon Road traverses both municipalities and functions as a

shared corridor through similar vegetation, slope and bushfire constraints. If Hobart applies a rural-living approach to comparable settled pockets on its side, while Kingborough applies LCZ to similar occupied titles on its side (including the Kingborough portion of the Huon Road corridor), the result is an inconsistent zoning pattern that is difficult to justify on strategic grounds.

For consistency with adjoining municipal outcomes (including across the Huon Road corridor), this submission requests that the Commission:

- give weight to the Section 8A requirement for cross-boundary coordination when determining the appropriate primary zone for Summerleas Road;
- review zoning outcomes along the Huon Road corridor as a single developed residential corridor (across municipal boundaries), recognising the continuity of settlement pattern, access and shared constraints;
- consider whether a conservation-first LCZ outcome in Kingborough, adjacent to rural-living outcomes in Hobart for similar mountain-edge residential pockets, would create an inconsistent and inequitable zoning pattern; and
- prefer RLZ (or LDRZ where appropriate) for established occupied titles, with targeted overlays and codes to manage the identified landscape, vegetation, bushfire and landslip issues.

8. Section 8A comparison table, Fern Tree / Summerleas Road

Section 8A issue	Landscape Conservation Zone	Rural Living Zone	Low Density Residential Zone	Best fit for Summerleas Road
Zone purpose	Protection, conservation and management of landscape values is the primary purpose.	Residential use in a rural setting where services are limited or existing natural and landscape values are retained.	Residential use where infrastructure or environmental constraints limit density, location or form.	RLZ preferred for larger rural-living titles; LDRZ alternative for smaller residential titles.
Existing settlement pattern	Weak fit for already occupied private residential titles unless landscape conservation is clearly dominant.	Strong fit for existing rural-living and residential clusters with larger lots.	Stronger fit than LCZ where the land is clearly residential and constrained.	RLZ/LDRZ.
Landscape values	Strong protection-first response, but may overreach where the issue is visual management rather than conservation.	Can retain landscape values through zone purpose plus overlays and codes.	Can retain residential character, with overlays managing landscape matters.	RLZ with existing overlays.
Scenic approach / road-corridor experience	Protects scenic values, but may unnecessarily burden occupied titles.	Can protect scenic experience through setbacks, screening, Scenic Protection Code and vegetation controls.	May be suitable for smaller residential lots where scenic values are managed through overlays.	RLZ/LDRZ with targeted controls.
Bushfire management	Risks creating a conservation-first lens for vegetation removal and hazard reduction.	Better recognises practical land management by residents in a rural setting.	Better recognises domestic defensible space and residential safety needs.	RLZ/LDRZ.

Minimum lot size control	Conservation zone minimums may not reflect existing settlement pattern.	Sub-area controls can match existing pattern and prevent further subdivision.	Density limited through constraints and zone standards.	RLZ with appropriate sub-area (A to D).
Existing dwellings and curtilage	Residential occupation is subordinate to landscape purpose.	Residential occupation is central to the zone purpose.	Residential occupation is central to the zone purpose.	RLZ/LDRZ.
Perverse outcomes	May increase cost, uncertainty and delay for safety-driven vegetation works.	Better supports routine management, subject to targeted controls.	Better supports residential maintenance and safety.	RLZ/LDRZ.

9. Why Summerleas Road is not the same as undeveloped bushland

Summerleas Road should not be treated as if it were wholly undeveloped conservation land.

The landowner list attached (Attachment 1) to this submission demonstrates that there is an established cluster of private titles along Summerleas Road, including properties at [REDACTED] Summerleas Road.

Those properties form part of an established settlement pattern that should be recognised in the primary zone.

The fact that they sit within a heavily vegetated and scenic locality does not erase their residential function.

Many properties are hobby farms and contain significant cleared paddocks as well as small scale gardens and orchards.

Indeed, the character of Summerleas Road is partly created by that relationship: homes in a bushland setting, not bushland untouched by settlement.

This is the type of land use tension the RLZ is designed to manage.

That balance is the appropriate planning outcome for the established Summerleas Road cluster.

10. Scenic approach and road-corridor experience

Summerleas Road is a steep, winding, largely unsealed road that primarily serves local traffic and resident access. While it provides a connection between Fern Tree and Huon Road, it is not the primary access route to the Wellington Range for visitors, and its road width and geometry create practical safety and access constraints.

The visitor experience of Summerleas Road is not dependent on preserving every tree or preventing reasonable residential land management. The valued experience is likely derived from:

- the road's enclosed bushland feel
- the sense of moving through a mountain-edge landscape
- filtered views
- vegetation framing
- low-scale development
- dwellings that are not visually dominant; and
- the transition between Hobart, Fern Tree, Kingston and the broader Wellington Range.

Those outcomes can be protected through more precise controls than LCZ.

Examples of more precise controls include:

- maintain vegetated buffers along road frontages where safe and practicable
- control building height, siting, materials and reflectivity
- protect important skyline vegetation where specifically identified
- require screening for new development visible from key public viewpoints
- manage large-scale clearing through the Natural Assets Code or Scenic Protection Code; and
- allow routine thinning, hazardous tree removal, weed control and fuel management without unnecessary friction.

That is a more nuanced planning response: it conserves the experience that matters while allowing people to safely live on land that is already privately owned and occupied.

11. Bushfire risk and the role of planning

Bushfire risk is not a secondary issue for Summerleas Road. It is central. The locality is bushfire-prone and there is a history of significant fire events affecting (and threatening) homes in the broader Fern Tree area. Zoning and associated controls should support, rather than impede, reasonable and timely risk-reduction and access/egress management on already-occupied titles.

The locality is heavily vegetated, elevated, steep in places and access-constrained. It is part of a broader landscape where evacuation, appliance access, smoke, falling trees, powerline vulnerability and ember attack are real considerations.

The Neika submission included operational advice from the Fern Tree Fire Brigade Chief about constrained appliance access, responder safety and the risk of entrapment in heavily vegetated low-density areas. It also referred to Tasmania Fire Service roadside management guidance recognising that additional vegetation removal and ongoing maintenance may be warranted where access and egress options are limited, evacuation requires travel through bushland, vegetation exists downslope of carriageways, or critical infrastructure is located in road reserves.

Those considerations are directly relevant to Summerleas Road.

A planning scheme should not leave residents in a high-risk bushland-edge settlement while making ordinary risk-reduction works harder, slower or more expensive.

Planning must support:

- defensible space
- fuel reduction
- hazardous tree removal
- pruning and canopy separation
- weed control
- driveway and access maintenance
- sight-line maintenance
- safe evacuation
- access for emergency vehicles; and
- protection of overhead power infrastructure.

A zone that creates uncertainty around these works can have practical consequences, including discouraging timely risk-reduction action.

While the Bushfire-Prone Areas Overlay/Code provides an important assessment framework for new development, it does not always provide a clear, timely pathway for existing dwellings and established households to undertake safety-driven preparedness works. The practical issues arising from that gap (including interaction with vegetation and landscape controls) are addressed in Section 12 below.

12. Bushfire Hazard Overlay – Not Particularly Useful for Existing Residents

In established communities, development has already occurred and the life-safety risk is immediate. The scheme therefore needs to distinguish between:

- **new development** in bushfire-prone areas (which should be tightly controlled through siting, construction, defensible space, access and water supply requirements); and
- **existing lawful dwellings** in bushfire-prone areas (which should be enabled to undertake reasonable, safety-driven preparedness works in a timely and proportionate way).

Where multiple vegetation and landscape controls apply, the combined framework should not inadvertently constrain the very fuel management, hazardous tree removal, access maintenance and defensible space actions required to reduce risk around existing homes. This is not an argument for broadscale clearing. It is a planning argument for clearer enabling pathways for existing residents, with environmental and scenic impacts managed through targeted codes and overlays.

The Bushfire-Prone Areas Code is primarily framed as a development control for new use and development. For established, already-occupied settlements, the planning framework should also operate as an enabling pathway for routine, safety-driven works around existing lawful dwellings (for example, defensible space, hazardous tree removal, access maintenance and fuel management), subject to clear limits and safeguards. In its current form, the framework tends to treat these works as exceptions requiring repeated assessment, rather than as ordinary risk-reduction actions that should be facilitated.

Other states provide useful examples of how bushfire-related planning controls can better distinguish between new development and risk-reduction works for existing homes. For example, Victoria's Bushfire Management Overlay framework and associated bushfire protection exemptions provide clearer permissions for vegetation management to create and maintain defensible space around existing dwellings, while still retaining controls over broader clearing and new development. New South Wales similarly embeds bushfire protection in strategic planning and development controls through its *Planning for Bush Fire Protection* framework, reinforcing that access/egress, asset protection and ongoing vegetation management are practical requirements for residents in bushfire-prone areas.

The Neika material identified the practical consequence of dense and unmanaged trees, including recurrent tree fall and branch drop onto roads and power infrastructure, producing multiple blackouts and making access after fire events more difficult.

Retaining landscape character does not require retaining all vegetation in locations where safety and access outcomes require active management.

13. Potential unintended consequences of a conservation-led zoning outcome

Bushfire risk, access/egress constraints and the practical requirements of ongoing preparedness in an occupied settlement should be treated as front-end strategic inputs to zone selection, not matters left to be worked through

later at the individual permit stage.

The zoning decision may materially affect:

- the ease of vegetation management
- the ability to maintain defensible space
- the ability to manage roadside hazards
- the ability to keep roads, driveways and access clear
- the ability to maintain safe evacuation routes; and
- the level of cost and specialist input required for routine safety works.

In a bushfire-prone locality, it is important that any decision to apply a conservation-led primary zone over existing homes is informed by practical bushfire preparedness and access/egress considerations, including relevant Tasmania Fire Service guidance and local on-ground constraints.

Relevant questions include:

1. Whether LCZ may create unnecessary friction for bushfire mitigation works on occupied lots.
2. Whether RLZ or LDRZ better supports ongoing landowner preparedness.
3. What vegetation management is reasonably required to maintain safe access and egress.
4. What treatment of road corridors, driveways and powerline interfaces is necessary.
5. Whether the Bushfire-Prone Areas Overlay/Code and associated vegetation provisions provide clear and workable pathways for existing dwellings to undertake routine preparedness works.
6. Whether any parts of the locality should be excluded from LCZ on life-safety grounds.

The Summerleas Road evidence demonstrates that bushfire is a front-end strategic zoning issue, not merely a permit-stage matter. The Commission should therefore test whether the proposed primary zone will help or hinder practical preparedness, safe access/egress, and timely risk-reduction around existing lawful dwellings in an already-occupied settlement.

14. Split zoning

Split zoning is not always ideal and should not be applied in a way that creates arbitrary boundaries or fragmented outcomes. However, where a title contains clearly different on-title conditions (for example, an established dwelling area and a separate steep, undeveloped or ecologically sensitive area), split zoning can be the most accurate and proportionate planning response.

If the Commission accepts that some parts of the broader Summerleas Road locality have genuine landscape conservation significance, that does not require all land within existing residential titles to be zoned LCZ. Along Summerleas Road on the Hobart side of the municipal boundary, split zoning has been applied in places, with established dwelling areas within a rural-living zone and more constrained areas subject to conservation-focused zoning. A blanket LCZ outcome on the Kingborough side would therefore require clear justification to avoid an inconsistent approach along the same road corridor.

15. Targeted controls can protect the values that matter

The planning scheme already contains tools to manage the issues relevant to Summerleas Road.

These include:

- Natural Assets Code
- Scenic Protection Code
- Priority Vegetation Area
- Bushfire-Prone Areas Code
- Landslip Hazard Code
- Waterway and Coastal Protection Area
- development standards for siting, scale, height and appearance
- subdivision minimum lot size controls; and
- permit triggers for vegetation removal where appropriate.

These tools allow the planning system to assess the actual impact of a proposal.

This approach enables proposals to be assessed on their actual impacts, rather than relying on LCZ as the primary mechanism across established residential titles.

16. Equity and practical burden

A conservation-led zoning framework can create real-world cost and complexity for residents (including for the routine land management discussed in Section 10 and the bushfire preparedness context in Sections 11–13). This may include:

- uncertainty about what vegetation work is permitted
- need for arborist reports
- need for bushfire practitioner input
- planning application costs
- delays in urgent works
- risk of compliance action; and
- administrative complexity for residents who have limited capacity, time or resources to navigate planning processes.

That burden is not evenly shared.

For residents with resources, LCZ may mean delay and consultant cost.

For residents without resources, it may mean risk reduction work simply does not happen.

In a bushfire-prone locality, a framework that materially increases barriers to timely, safety-driven land management can undermine the practical implementation of the planning scheme's risk-management intent.

The zoning framework should be clear, practical and proportionate.

The cumulative effect of vegetation regulation is addressed in Attachment 2 – Tree Management Duplication, which demonstrates that tree and vegetation protection in Kingborough is already achieved through multiple

overlapping planning, by-law, permit, offset, title and State/Commonwealth mechanisms. The planning issue is therefore not regulatory absence, but regulatory duplication, with the same vegetation frequently subject to repeated assessment and control for the same outcome.

17. Conclusion

Summerleas Road has landscape value, but that does not automatically justify LCZ over existing occupied private titles.

Consistent with the strategic considerations set out above (including bushfire access/egress and preparedness), the question for the Commission is whether LCZ is the best primary zone for the established residential cluster, or whether the locality's values can be managed through a more balanced framework.

For the established Summerleas Road residential cluster, the answer is clear.

RLZ, or alternatively LDRZ, better recognises the existing settlement pattern while allowing scenic, vegetation, bushfire, landslip and waterway matters to be managed through targeted overlays and codes.

LCZ may have a role for larger undeveloped or highly significant landscape areas, but it should not be applied broadly to existing residential titles without clear evidence that landscape conservation is the dominant planning purpose of those specific titles.

The Commission is respectfully requested to:

1. Remove LCZ from the established residential/rural-living titles along Summerleas Road
2. Apply RLZ as the preferred zoning outcome, with appropriate sub-area controls.
3. Consider LDRZ, where the title pattern and use are more clearly residential.
4. Use split zoning where discrete landscape values require protection, but residential curtilages should be recognised.
5. Retain targeted overlays and codes where justified.
6. Ensure the final zoning outcome is informed by bushfire access/egress constraints and on-ground preparedness requirements for existing occupied titles, including relevant Tasmania Fire Service guidance.

This submission does not seek to disregard landscape values. It seeks a proportionate planning response that recognises established occupation while applying targeted controls to protect the values that matter.

Participating and concerned landowners

Attachment 1

pitt&sherry

Name	Address	Signature
Ange McSpadden and Ben Zalmstra	[REDACTED]	[REDACTED]
Bruce Dudman	[REDACTED], Fern Tree	[REDACTED]
Daniel Moss	[REDACTED] Fern Tree	[REDACTED]
Attila Vrana	[REDACTED], Fern Tree	[REDACTED]
John & Laura Arnold	[REDACTED], Fern Tree	[REDACTED]
Monica Lowe	[REDACTED], Fern Tree	[REDACTED]
William Sauer; Helen Sauer; James Sauer; Sarah Sauer	[REDACTED], Fern Tree	[REDACTED]
Christopher Waller and Kerry Waller	[REDACTED], Fern Tree	[REDACTED]
Mark Scott	[REDACTED], Fern Tree	[REDACTED]
Ulo and Helen Raabus	[REDACTED], Fern Tree	[REDACTED]
Graham Mitchell	[REDACTED], Fern Tree	[REDACTED]
Lelia Meffre	[REDACTED], Fern Tree	[REDACTED]

Glenn Hyland and Melissa Hyland	[REDACTED], Fern Tree	[REDACTED]
Russell Cooper	[REDACTED], Fern Tree	[REDACTED]
Jennifer Sinclair and Andrew Sinclair	[REDACTED], Fern Tree	[REDACTED]
Theodore Dimitriou and Lara Dimitriou	[REDACTED], Fern Tree	[REDACTED]
Kim Lidster	[REDACTED], Fern Tree	[REDACTED]
Sophie Clarke and Ryan Johnston	[REDACTED], Fern Tree	[REDACTED]
Susan and Matt Holligan	[REDACTED], Fern Tree	[REDACTED]
Danielle and Leith McDougal	[REDACTED], Fern Tree	[REDACTED]
Mandy and Tony McIntyre	[REDACTED], Fern Tree	[REDACTED]
Garry Kuehn	[REDACTED], Fern Tree	[REDACTED]
Aidan Lewis and Emine Lewis	[REDACTED], Fern Tree	[REDACTED]
Jeremy and Rebecca Wallbank	[REDACTED], Fern Tree	[REDACTED]

Attachment 2

Tree Management Duplication

Kingborough Council – Tree / Vegetation Management Duplication Matrix

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
1. Zone Controls	Kingborough Interim Planning Scheme 2015 (e.g. Rural Living, Environmental Living, Landscape Conservation, Environmental Management)	Use and development of land, including vegetation removal associated with use or works	Vegetation removal often triggered by zone purpose, use standards, or associated development	Planning permit, vegetation assessment, reports, conditions	First layer of control. Vegetation already assessed through zoning intent before any overlay/code is applied.
2. Biodiversity Code	E10.0 Biodiversity Code	Native vegetation, threatened vegetation communities, habitat, high conservation value trees	Triggered where mapped biodiversity values apply or vegetation is identified as high value	Ecological assessment, avoidance/minimisation, offsets, permit conditions	Duplicates zone controls by re-assessing biodiversity values already inherent in zones like LCZ/EMZ. Same vegetation assessed twice.
3. Scenic Landscape / Landscape Controls	Scenic Landscape / Landscape Character provisions (via zone and overlay logic)	Visual landscape values, ridgelines, vegetation contributing to	Triggered where vegetation contributes to scenic values	Visual impact assessment, retention requirements, discretionary refusal	Same tree can be protected for “landscape character” after already being assessed for biodiversity and zoning.

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
		landscape character			
4. Bushfire Code	Bushfire-Prone Areas Code / Bushfire Hazard provisions	Vegetation in relation to defendable space, fuel load, hazard management	Triggered where land is bushfire-prone or in hazard overlay	Bushfire Hazard Management Plan (BHMP), defendable space requirements, vegetation clearing directions	Direct conflict with biodiversity/tree retention controls: one provision requires retention, another requires removal for life safety.
5. Council Tree Removal Process	Kingborough Tree / Vegetation Removal Request Form	Any request to remove or modify trees/native vegetation on private land	Triggered before works commence, even to determine whether a permit is needed	Initial Council assessment, arborist advice, referral to DA process	Adds a pre-permit gateway before planning even begins. Effectively another approval layer before statutory assessment.
6. Trees on Private Property By-Law	Trees on Private Property By-Law No. 1 of 2022	Native trees, significant trees, protected trees even where planning permit not required	Triggered where planning scheme does not otherwise capture removal	By-law permit, assessment, replacement planting, offsets	Captures the same vegetation outside the planning scheme, creating a second approval pathway for the same act of removal.

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
7. Biodiversity Offset Policy	Kingborough Biodiversity Offset Policy	Residual biodiversity impacts after approval to remove vegetation	Triggered once approval for removal is granted	On-site offset, off-site offset, financial offset	Even after vegetation is assessed and approved, a further offset obligation applies. This is effectively a third regulatory step after permit and conditions.
8. Kingborough Environmental Fund (KEF)	Council offset implementation mechanism	Financial contributions tied to vegetation loss	Triggered where financial offset imposed	Monetary contribution into Council-managed offset fund	Adds a financial burden after planning approval and offset assessment are already complete.
9. Permit Conditions	Development Permit Conditions	Approved vegetation removal and ongoing management	Triggered once permit issued	Ongoing management, planting, fencing, covenant, maintenance	Creates continuing obligations after permit approval, often duplicating offset and by-law outcomes.
10. Title Restrictions / Covenants	Title covenants / conservation covenants / easements	Protected vegetation or restricted land management on title	Triggered where title burden already exists	Separate legal restriction regardless of planning outcome	Same vegetation may already be protected on title, duplicating scheme and by-law controls.

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
11. Forest Practices System	Forest Practices Act 1985 / Forest Practices Authority	Native vegetation clearing and forest conversion	Triggered for broader clearing / forest vegetation removal	Forest Practices Plan (FPP), certification, offsets	Separate State approval system for the same vegetation clearing has already been assessed by Council.
12. Threatened Species / EPBC	State / Commonwealth environmental law	Threatened species habitat and listed ecological values	Triggered if listed species/habitat present	Additional surveys, referrals, separate approval pathway	Same tree may be assessed again under state/federal environmental law after local planning.
13. Significant Tree Controls	Significant Tree Policy / Register	Trees with aesthetic, heritage, habitat or landmark value	Triggered if listed or assessed as significant	Retention, specialist arborist evidence, discretionary refusal	Additional site-specific control over and above zoning, code and by-law.