
From: PETA Annear <[REDACTED]>
Sent: Monday, 4 May 2026 11:10 PM
To: Kingborough LPS
Subject: Kingborough Planning Scheme

Re: Submission — Kingborough Draft Local Provisions Schedule
Our Ref DOC/26/36829 | Title: [REDACTED] Flowerpot TAS 7163

Dear Delegate Heath and Members of the Commission, We are the owners of the property at [REDACTED] Flowerpot (Title [REDACTED] area 1.1ha). We write in response to the Commission's letter of 2 April 2026, notifying us that the Ireneinc report recommends our property be included within the Rural Zone under the draft Kingborough Local Provisions Schedule (LPS). We welcome the Rural Zone recommendation as a significant improvement over the Landscape Conservation Zone (LCZ) under which our property was exhibited. However, we respectfully submit that the Rural Living Zone (RLZ) is the more appropriate designation for our property, and we ask the Commission to consider this submission in determining the final zone allocation.

1. Nature of the Property and Its Setting

[REDACTED] is a residential property on which a lawfully constructed dwelling currently exists. It is situated within the Flowerpot locality on the D'Entrecasteaux Channel, a settled community of residential properties in a bush-adjacent rural setting. The property is not used for agriculture, resource extraction, or any primary industry purpose. Its exclusive use is residential. The surrounding [REDACTED] cluster, as visible in the zone maps provided in the Commission's letter of 2 April 2026, comprises similarly characterised residential lots, a number of which have also been recommended for Rural Zone. This is precisely the "bush-nestled detached-dwelling pattern" that the Commission's own delegates acknowledged on Day 2 of the hearings as capable of supporting Rural Living Zone, even without paddocks, sheds, or visible agricultural activity. We note in particular the exchange recorded in the Day 2 hearing summary at [06:11:55], where Delegate Ford accepted that "a locality with a consistent detached-dwelling subdivision pattern but no visible hobby farming can still be considered for RLZ."

2. Rural Zone Is Not Appropriate for a Settled Residential Cluster.

The Rural Zone is, by definition under the State Planning Provisions, intended for land with limited or no agricultural potential that supports rurally-based industries, resource processing, and a wide range of non-residential uses. It is not a residential zone. Its primary intent is rural production and industry, with residential use accommodated as a secondary consideration.

The Rural Living Zone, by contrast, exists precisely for large-lot residential properties in rural settings where services are limited — the definition that most accurately describes 83 Gallaghers Road and the

Gallaghers Road cluster. Its zone purpose explicitly provides for “residential use or development on large lots in a rural setting,” with residential amenity protected through zone-level standards.

Allocating a settled residential property to Rural Zone rather than Rural Living Zone creates several practical mismatches:

- Building height standards and setback controls in Rural Zone are calibrated for rural and industrial uses, not residential amenity. Rural Living Zone carries zone-level residential amenity protections that Rural Zone does not.
- Rural Zone permits a significantly wider range of non-residential uses by right or by discretionary application. This creates potential for land-use conflict with existing residential neighbours that Rural Living Zone is specifically designed to prevent.
- The residential planning pathway — the process by which any future dwelling work, extension, or secondary dwelling would be assessed — is less certain and less straightforwardly residential under Rural Zone than under Rural Living Zone.
- Insurance and lending institutions assessing the property will read Rural Zone as a rural-industrial designation rather than a residential one. Rural Living Zone, as a named residential zone, communicates the actual character of the land far more accurately to these third parties.

3. The Overlays Already Provide Comprehensive Protection

We have confirmed the current planning scheme overlay codes applying to our property via the Kingborough Council mapping tool (PID 1511689). Our property is subject to all four of the following overlays:

- E1.0 Bushfire-Prone Areas Code
- E3.0 Landslide Code
- E10.0 Biodiversity Code
- E14.0 Scenic Landscapes Code

This overlay profile is directly relevant to the Commission’s central inquiry on Day 1 and Day 2: what does the zone add beyond the overlays? In our case, the answer is nothing that Rural Living Zone plus these overlays cannot already achieve.

The E14.0 Scenic Landscapes Code is particularly significant. Chair Nick Heath confirmed at the Kettering West exchange [02:33:54] that vegetation removal covered by relevant overlays “is going to need a discretionary application” regardless of zone, and that this risk “potentially could be managed through the development of those approaches.” Our property is already subject to a Scenic Landscapes overlay under the current scheme. Any development affecting the scenic and landscape values of this property is already captured and made discretionary by that overlay. The Scenic Landscapes Code expressly addresses the very landscape-value concerns that are cited as the rationale for LCZ. There is no gap that LCZ — or Rural Zone — fills beyond what this overlay already provides.

Similarly, the E10.0 Biodiversity Code — the current-scheme equivalent of the incoming Natural Assets Code — already applies to our property. Vegetation and ecological values are protected by this overlay independently of zone. The Commission’s delegates confirmed on Day 2 that the Natural Assets Code “carries the load” on vegetation clearance. Our property’s biodiversity overlay demonstrates this protection is already active.

The E1.0 Bushfire-Prone Areas Code and E3.0 Landslide Code further demonstrate that 83 Gallaghers Road is already subject to a comprehensive and layered overlay framework managing the principal hazard and environmental risks associated with this location. The zone designation does not add to that framework — it sits beneath it.

Delegate Ford's question on Day 1 [05:40:24] was not satisfactorily answered in the context of our locality: "What use are we scared about that would compromise a landscape value?" For a 2.28ha residential lot subject to Scenic Landscapes, Biodiversity, Bushfire and Landslide overlay controls, the practical answer is that no threatening use could proceed without discretionary assessment regardless of whether the zone is Rural, Rural Living, or LCZ. The risks cited for LCZ retention — grazing, service stations, intensive subdivision — are commercially and practically implausible on our block and those of our immediate neighbours, and would in any event be captured by the overlay framework already in place.

4. Consistency with Regional Land Use Strategy The Southern Tasmanian Regional Land Use Strategy supports the application of Rural Living Zone to land that is in the Environmental Living Zone of the interim planning scheme and whose primary strategic intention is residential use and development in a rural setting — the Flowerpot cluster clearly satisfies this description. Our property was within the Environmental Living Zone under the Kingborough Interim Planning Scheme 2015.

The Commission has accepted Rural Living Zone across a substantial number of former Environmental Living Zone properties throughout the Kingborough LPS process — including Kettering East, Howden, Albion Heights, and Tinderbox West. The Flowerpot residential cluster along Gallaghers Road is analogous to those localities in character, use pattern, and land size. There is no principled basis for treating it differently.

5. Practical Consequences of Zone Designation

We wish to draw the Commission's attention to the practical consequences of zone designation for an existing residential property in a bushfire-adjacent location, which are not merely academic:

- Rebuild certainty after fire: Our property is confirmed as subject to the E1.0 Bushfire-Prone Areas Code overlay, meaning bushfire risk is already a live and material consideration. Under Rural Living Zone, a replacement dwelling is clearly a permitted use consistent with the zone's primary residential purpose, providing certainty for insurers and owners about the rebuild pathway. Under Rural Zone, any future residential development must be assessed against a zone whose primary purpose is rural industry, creating ambiguity that directly affects insurance coverage terms and rebuild planning in exactly the circumstances where certainty matters most.
- Insurance: Home insurers and lenders assess zone designation as an indicator of the property's primary permitted use. Rural Living Zone accurately describes this property's character. Rural Zone, as a primary production and rural industry zone, does not — and may create adverse assumptions about the property's residential future.
- Amenity protection: As residents adjacent to bush in a fire-prone area, we have a legitimate interest in the land-use controls that apply to neighbouring properties. Rural Living Zone provides stronger residential amenity protections against incompatible uses than Rural Zone.

6. Request We respectfully request that the Commission:

- Designate [REDACTED], Flowerpot (Title [REDACTED]) as Rural Living Zone rather than Rural Zone in the final Kingborough Local Provisions Schedule; and
- Consider whether the [REDACTED] residential cluster more broadly warrants Rural Living Zone designation, consistent with the Commission's acceptance of that zone across comparable former-ELZ residential clusters throughout the Kingborough LPS process.

We are willing to provide further information or attend a hearing if the Commission considers this would assist its deliberations. We understand from Chair Heath's closing remarks on Day 2 that collective locality-based submissions are welcome and we would support any similar submissions from immediate neighbours.

Yours sincerely,

Peta Kirsten Annear and Toby Annear

 Flowerpot TAS 7163

Note: This submission has been prepared by the landowners with reference to the public hearing record, the Ireneinc report, and the Commission's letter of 2 April 2026. We are not professional planning advisers. We would welcome the opportunity to be represented by or to obtain professional planning advice prior to any hearing at which this submission is considered, and ask the Commission to provide reasonable notice of any such hearing date.