
From: Jess Melbourne-Thomas [REDACTED] >
Sent: Sunday, 3 May 2026 6:29 PM
To: Kingborough LPS
Cc: James Melbourne-Thomas
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED] Neika
Attachments: Melbourne-Thomas_Submission_TPC_[REDACTED]_Neika.pdf

Good evening,

Please find attached our written submission to the Tasmanian Planning Commission regarding the Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report.

Best regards,
Jessica and James Melbourne-Thomas
[REDACTED] Neika
[REDACTED]

WRITTEN SUBMISSION TO THE
TASMANIAN PLANNING COMMISSION
Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

Submitters: Jessica and James Melbourne-Thomas	Current Zone: Environmental Living Zone (ELZ)
Property Address: [REDACTED], Neika, Tasmania	Draft LPS / Ireneinc Zone: Landscape Conservation Zone (LCZ)
	Zone Sought: Rural Living Zone (RLZ)

PART A — PROCEDURAL OPENING

To the Tasmanian Planning Commission,

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

We understand that this letter provides us with the opportunity to formally participate in this stage of the LPS process, and we take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Field	Details
Landowner name(s)	Jessica and James Melbourne-Thomas
Property address	[REDACTED], Neika, Tasmania
Title reference (folio)	[REDACTED]
Locality	Neika
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)

PART C — STATEMENT OF POSITION

We submit that the application of the Landscape Conservation Zone (LCZ) to our property at [REDACTED], Neika 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. Our property has been our family home and rural living holding since 2013. We have maintained livestock (goats, sheep and chickens) continuously since 2013, actively managed weeds including Spanish Heath (*Erica* sp.) which has been introduced onto our land and surrounding areas as a result of road and verge maintenance on the council-maintained section of our road, and invested significantly in the stewardship of our land. The RLZ accurately reflects the existing residential and rural-living character of our property. The LCZ does not.

The LCZ would impose conservation-led planning restrictions that are disproportionate to our property's actual character, that create serious risks in the context of rebuilding after a bushfire, and that do not reflect the established settlement pattern of the Neika area and the Morphetts Road corridor more broadly.

PART D — GROUNDS FOR THIS SUBMISSION

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position – including its 16 March 2026 resolution favouring the 'least restrictive alternative' – is not binding on the Commission [Transcript, Day 20, 06:45:48]. We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The LCZ is not a replacement zone for the ELZ

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 in post-lodgement correspondence with Council 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 at [REDACTED]. 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 land does not present the dominant landscape conservation characteristics that would justify LCZ.

D1.2 — LCZ imposes restrictions inconsistent with the existing use of our land

The Zone Guidelines note that the LCZ 'provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.' The LCZ is not intended for land whose existing character is that of an

established rural residential holding – our family home with active livestock management and ongoing land stewardship.

Under the LCZ, ongoing rural activities – including keeping goats, sheep, and chickens, managing weeds, maintaining animal grazing areas, and undertaking normal rural land management works – may become subject to discretionary assessment, or face increased uncertainty and delay. This is disproportionate to the actual character of our land and inconsistent with the intention of the Zone Guidelines.

D1.3 — The RLZ satisfies the applicable Zone Guidelines (RLZ 1)

Zone Guideline RLZ 1 provides that the RLZ should be applied to residential areas with larger lots where the existing or intended use is a mix of residential and lower-order rural activities (such as hobby farming), with a priority given to residential amenity. This description accurately reflects our property at [REDACTED]: an established home on a rural-style lot, with a long-standing combination of domestic residential use and small-scale livestock keeping (goats, sheep and chickens since 2013).

Zone Guideline RLZ 4 also provides that the RLZ should not be applied to land containing important landscape values identified for protection unless those values can be appropriately managed through relevant codes. We submit that, to the extent any broader landscape values exist in the Neika locality, they can be managed through overlay controls — including the Natural Assets Code (NAC), Priority Vegetation Area (PVA) overlay, and Scenic Protection Code (SPC) — without requiring the more restrictive LCZ.

D1.4 — No site-specific landscape values justify LCZ over RLZ

Zone Guideline LCZ 1 requires land with landscape values ‘identified for protection and conservation’. Zone Guideline LCZ 2(c) requires that ELZ transition to LCZ only where the ‘primary intention is for the protection and conservation of landscape values.’ Zone Guideline LCZ 4 expressly provides that LCZ should not be applied to land where the priority is residential use and development.

The Ireneinc report applies LCZ at locality level without demonstrating site-specific values on our individual title of the kind or significance warranting LCZ. Our property is an established rural residential holding. The primary planning intention for our land is and has always been residential and rural living, not landscape conservation. LCZ 4 therefore strongly points away from LCZ for [REDACTED].

D2 — Our property’s character strongly supports Rural Living Zone

D2.1 — Established residential and rural living use since at least 2013

We have maintained goats, sheep and chickens on our property continuously since 2013. This is a matter of established practice on an actively managed rural residential holding. We have photographs of our livestock on the property that are provided in Part J as evidence of this long-standing use (we can provide further evidence if needed). Our property functions as a rural living block in every meaningful sense — a family home surrounded by actively managed land with domestic-scale rural activities.

This pattern of use is precisely what the RLZ is designed to accommodate. The Zone Guidelines describe RLZ as appropriate for land where the existing or intended use is ‘a mix of residential and lower-order rural activities (e.g. hobby farming), with priority to residential amenity’ — a description that fits our property exactly.

D2.2 — Active land stewardship: weed management

We spend considerable time and effort managing invasive weeds on our property, in particular Spanish Heath (*Erica* sp.). Our understanding is that this weed has been introduced as a result of road and verge maintenance carried out on the council-maintained section of [REDACTED] — it has spread from the road reserve onto surrounding private properties including ours, and was not introduced by residents.

We have photographic evidence of Spanish Heath on our property and have provided this in Part J (and can provide further evidence if needed). Active weed management of this kind is a hallmark of responsible rural living land stewardship. It also has direct bushfire safety implications: Spanish Heath is a fine-fuel weed that increases fire intensity and rate of spread if left unmanaged.

The RLZ better supports ongoing, active property management of this kind. As detailed in the zone comparison at Part G, the RLZ is a ‘strong fit with active property management on lifestyle lots, including ongoing weed removal and control.’ By contrast, the conservation-led purpose of the LCZ ‘does not actively recognise ongoing, active property management as the dominant use.’

D2.3 — The Neika area is a rural living settlement, not a landscape conservation precinct

Our property forms part of a broader settlement pattern along and around [REDACTED] Neika, where neighbouring properties are similarly characterised by rural residential use, active land management, and a mix of residential and small-scale rural activities. Our neighbours, like us, invest in the stewardship of their land as an area for rural living. This is not a landscape conservation precinct in any functional sense.

Applying LCZ across this established rural living settlement is inconsistent with the Zone Guidelines’ clear direction that LCZ should not be applied where residential use is the priority (LCZ 4), and that RLZ is the appropriate zone for established communities of this kind (RLZ 1).

D3 — Bushfire risk: the LCZ poses critical and unreasonable risks for our situation

D3.1 — Our property is on a private reserve road: rebuilding after bushfire is critically constrained under LCZ

Our property at [REDACTED] is located on a private reserve road — not a council-maintained public road. This creates a serious and specific planning risk under the LCZ that is not adequately acknowledged by the Ireneinc report.

We understand that under the LCZ, rebuilding after a bushfire is a discretionary use. Although Council’s public information states that rebuilding in the same footprint can occur without a planning permit, any change in location or material change in the building may require a

discretionary application under LCZ. More critically, existing use rights under any planning zone, including LCZ, are understood to be extinguished after the use has been abandoned for two years or more. In a scenario where a bushfire destroys our home and rebuilding is delayed for any reason, there is a real risk that our rights to re-establish a dwelling on this land could be significantly constrained or lost.

This risk is materially greater for us than for properties on council-maintained roads, because:

- We are on a private reserve road. There are significant uncertainties about access, maintenance obligations, and the practical ability to obtain permits and carry out construction on this road type within a two-year timeframe.
- A two-year timeframe to rebuild is, in our assessment, likely untenable in our circumstances. Insurance processes, planning approvals, contractor availability, and road access constraints could readily push rebuilding beyond two years.
- If the two-year window lapses, we would effectively be returned to square one in terms of building options — facing the full discretionary assessment burden of LCZ for a property on a private road, with all the uncertainty and cost that entails.

This is not a theoretical concern. Neika and surrounding areas are in a bushfire risk environment. The risk of loss of a dwelling through fire is real. The planning framework should not compound that risk by imposing a zone that creates severe and potentially insurmountable barriers to rebuilding our home after disaster.

The RLZ, by contrast, better recognises residential use as a priority and provides a more workable framework for re-establishment of a dwelling following loss. This distinction — specifically in the context of private road access — is a material planning consideration that strongly supports RLZ over LCZ for our property.

D3.2 — LCZ creates friction for bushfire hazard management

As set out in the zone comparison at Part G below, the LCZ is the weakest planning fit for an already-occupied, high bushfire risk location where practical risk reduction is essential. The conservation-led purpose of LCZ can create tension and delay for:

- Vegetation removal for defendable space around our home
- Weed control (including Spanish Heath, which increases fuel loads)
- Ground fuel reduction
- Tree and hazardous vegetation management near our home and access road
- Roadside vegetation management along [REDACTED]

The RLZ is a substantially better fit for all of these activities, treating them as normal and expected aspects of managing an occupied rural residential property safely.

D4 — Council's application of LCZ has been historically inconsistent

The Ireneinc LCZ Review documents a well-evidenced history of inconsistency in Council's LCZ approach. The TPC noted in post-lodgement correspondence that 'often when assessing particular sites the zone proposed does not seem to match these criteria or those of the Guidelines No. 1' and that 'decisions often appear inconsistent with surrounding land.'

The proportion of ELZ parcels proposed for LCZ fell from 85% to 75% between first submission and exhibition and has been further reduced through the Ireneinc process. RLZ has been consistently identified as appropriate for established rural living land that does not meet LCZ criteria. Our property is of the same character as parcels across the municipality for which RLZ has been recognised as the correct outcome.

D5 — TPC panel statements and the Ireneinc framework

Commissioner Rohan Probert at Day 20 [01:07:48] directly identified near-identical landscape descriptions producing opposite zone outcomes for different localities, calling out the internal inconsistency of the Ireneinc framework. Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission must assess our property against the Zone Guidelines, not the Ireneinc framework alone.

Commissioner Dan Ford at Day 20 [02:33:54] forced the concession that the Priority Vegetation Area overlay does the landscape-protection work, not the zone. Where overlay controls are available to manage any landscape values on or near our property, they should be preferred over the blunt instrument of LCZ zoning.

PART E — LOCALITY CONTEXT: NEIKA AND MORPHETTS ROAD

Neika is a well-established semi-rural residential locality to the south of Hobart. Properties along and around [REDACTED], Neika are characterised by established homes, domestic-scale land management, and a community ethos of active rural living stewardship. Residents keep small livestock, manage weeds and native vegetation, maintain their properties as rural living blocks, and invest in their land over the long term.

The [REDACTED] area does not function as a landscape conservation precinct. It is an established rural living community. Properties in the immediate neighbourhood of [REDACTED] share these characteristics, including neighbouring properties at comparable addresses on [REDACTED] where representations have similarly been made seeking Rural Living Zone.

The Ireneinc report's recommendation of LCZ for properties in this area does not adequately account for the long-established rural residential character of the Neika community, the specific bushfire access risks associated with properties on private reserve roads, or the active land management and stewardship already being undertaken by residents.

PART F — ZONE COMPARISON: SECTION 8A GUIDELINE ASSESSMENT

The following table applies the key criteria in Section 3.4 of the Section 8A Guideline No. 1 (zone purpose to the greatest extent possible) and assesses the application guidance for the Rural Living Zone and Landscape Conservation Zone as they apply to [REDACTED], Neika.

Section 8A Guideline Criterion	Landscape Conservation Zone (LCZ)	Rural Living Zone (RLZ)	Best Fit for 115 Morphetts Road
Guideline 3.4: Achieve the zone purpose to the greatest extent possible	LCZ achieves its purpose only where landscape values are the dominant planning purpose. This is not the case at 115 Morphetts Road, where residential and rural living use is dominant.	RLZ achieves its purpose where residential occupation in a rural setting is the dominant reality and natural values are retained through targeted codes.	RLZ preferred. 115 Morphetts Road is an established rural residential/lifestyle title. LCZ only if site-specific landscape values are identified as dominant – they are not.
RLZ 1: Apply to residential areas with larger lots where existing use is a mix of residential and lower-order rural activities (e.g. hobby farming), with priority to residential amenity	Not applicable – LCZ is not intended for residential priority outcomes.	Direct fit. 115 Morphetts Road functions as a rural living/lifestyle lot with domestic-scale land management (goats and sheep since 2013) and a clear residential focus.	RLZ is best fit. The property is an occupied lifestyle lot where day- to-day rural-living land management is long- established and expected.
RLZ 4: Should not be applied to land containing important landscape values identified for protection unless values can be managed through relevant codes	Where important landscape values are identified for protection, LCZ may apply — but only if LCZ criteria are met.	RLZ appropriate if any landscape values can be managed through overlays/codes (NAC, PVA, SPC) without conservation-led zoning.	RLZ preferred. Any values in the broader Neika locality can be managed via overlay controls. No site- specific values on the title justify LCZ.
LCZ 1: Apply to land with landscape values identified for protection where some small-scale use may be appropriate	LCZ 1 only satisfied where identified landscape values are the driver and residential use is not the priority. This does not describe 115 Morphetts Road.	RLZ can still retain landscape values but does not treat them as dominant over occupation.	LCZ 1 is a weaker fit. No clearly identified landscape values on this title warrant protection as the primary purpose.
LCZ 4: Should not be applied where the priority is residential use and development	This is a decisive exclusion. 115 Morphetts Road is already residential in function with long- established rural living use.	Directly supports RLZ where land is residential in a rural setting.	LCZ 4 strongly points away from LCZ and toward RLZ for this property.

PART G — BUSHFIRE RISK: ZONE COMPARISON FOR [REDACTED]

The following table compares the LCZ and RLZ in the context of bushfire risk and land management obligations for our property, drawing on the operational context of Neika and the [REDACTED] corridor.

Matter	Landscape Conservation Zone (LCZ)	Rural Living Zone (RLZ)	Best Outcome for 115 Morphetts Road
Rebuilding after bushfire — private road context	Rebuilding may require discretionary assessment under LCZ if not in same footprint or within two years. On a private reserve road, the practical barriers to meeting a two-year rebuild window are substantial. Failure to rebuild within two years risks loss of existing use rights.	RLZ recognises residential use as a priority, providing greater certainty for re-establishment of a dwelling after loss and a more workable framework on private road properties.	RLZ strongly preferred. The private road status of [REDACTED] makes the two-year LCZ risk window particularly serious.
Weed control (Spanish Heath / Erica sp.)	May be permissible, but the conservation-led zone purpose does not actively recognise ongoing, active property management as the dominant use, potentially creating friction for routine weed management works.	Strong fit with active property management on lifestyle lots, including ongoing weed removal and control. Weed management is a normal and expected part of rural living.	RLZ preferred. Active weed management is central to our stewardship of this property.
Vegetation removal for defensible space	More likely to be assessed against landscape retention objectives, increasing friction and uncertainty for safety works.	More likely to be treated as a normal and expected part of managing an occupied rural residential property safely.	RLZ preferred.
Ground fuel reduction and hazardous vegetation management	Potential tension where fuel reduction requires disturbance of vegetation contributing to landscape character.	Better supports routine fuel management associated with existing homes and access tracks.	RLZ preferred.
Livestock keeping (goats, sheep and chickens)	Livestock use in LCZ may be discretionary or not straightforwardly permitted, creating uncertainty for our long-established use.	Rural living activities including small-scale livestock keeping are expected and supported in RLZ.	RLZ preferred. We have kept goats, sheep and chickens since 2013; this use should be recognised and protected.
Overall fit for an occupied rural residential property in a bushfire-prone area	Weakest fit. Conservation-led framing can compound risk and uncertainty for residents already managing a high-risk environment.	Strongest fit. Best recognises the reality that people live and actively manage land here, with practical risk reduction as a central responsibility.	RLZ strongly preferred.

PART H — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, we submit that:

- The application of the LCZ to our property at [REDACTED], Neika is inconsistent with the Zone Guidelines and does not satisfy the requirements of section 34 of LUPAA.
- The LCZ is not appropriate for our property, which has a clear and established residential and rural living character, with goats, sheep and chickens kept continuously since 2013, active weed management (including Spanish Heath), and long-term stewardship as a rural living block.
- The RLZ satisfies the criteria in Zone Guideline RLZ 1 and is the most appropriate zone for our property, consistent with its existing use, the broader Neika settlement pattern, and the approach taken for comparable properties in the municipality.
- The specific risk posed by LCZ to our ability to rebuild after a bushfire – given our location on a private reserve road and the practical impossibility of meeting a two-year rebuild window in many bushfire scenarios – is a material and unreasonable risk that should be resolved by application of RLZ.
- Any landscape values in the broader Neika locality can be appropriately managed through existing overlay controls – NAC, PVA overlay, and SPC – without requiring LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property, [REDACTED], Neika (folio of the Register: [REDACTED]) within the Rural Living Zone; and
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

We request the opportunity to provide any further relevant evidence and to attend any hearing at which our submission is considered.

Signature		Date
Jessica Melbourne-Thomas	[REDACTED]	2 / 5 / 2026
James Melbourne-Thomas	[REDACTED]	2 / 5 / 2026

Contact email: [REDACTED]

Contact phone: [REDACTED]

PART I — ACRONYMS AND TERMS

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)
KIPS2015	Kingborough Interim Planning Scheme 2015
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
SPC	Scenic Protection Code
SPA	Scenic Protection Area
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

PART J — PHOTOGRAPHIC EVIDENCE



Evidence of goats and sheep on our property at [REDACTED], Neika



Evidence of chickens and of weeds (Spanish Heath regrowing after recent spraying) on our property at [REDACTED], Neika