
From: Angela Hanly [REDACTED]
Sent: Sunday, 3 May 2026 4:20 PM
To: Kingborough LPS; TPC Enquiry
Subject: Submission — Kingborough LPS Direction 69 - [REDACTED], Neika, Tas, 7054
Attachments: Submission 445 - [REDACTED]-Neika.pdf; TPC submission - response to Irenainc - [REDACTED] Neika.pdf

To whom it may concern,

Please find attached my response submission to the Irenainc report and referring document Submission 445.

Bye for now,
Angela Hanly
[REDACTED],
Neika, TAS, 7054

Angela Hanly & Dom Fowler

Neika, Tasmania, 7054

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 be included within the Rural Living Zone (RLZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ) as exhibited.

I previously made a representation on the draft LPS and that representation has been heard by the Commission. I understand that by this letter the Commission is providing me with the opportunity to make a further written submission in relation to the Ireneinc report recommendations. I take up that opportunity and submit as follows.

PROPERTY DETAILS:

Landowner name(s)	Angela Hanly
Property address	██████████, Neika, Tas, 4054
Title reference (folio)	Title reference - CT-██████████ PID - ██████████
Lot size (approx.)	3.13ha
Locality	Neika
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Living Zone (RLZ)
Position in this submission	Accept RLZ —subcategory of zone A or B

STATEMENT OF POSITION:

I welcome and support the Ireneinc recommendation that my specific property be included within the RLZ under the draft Kingborough LPS. The RLZ is a significantly more appropriate zone for my property than the exhibited LCZ.

I make this submission to: (1) provide the Commission with property-specific evidence supporting the RLZ recommendation; (2) identify the most appropriate RLZ subcategory for my property; and (3) ensure the Commission does not revert to LCZ at the final determination stage.

SUB-CATEGORY DETERMINATION:

The subject land at [REDACTED], Neika is located within a highly variable rural landscape characterised by a diverse and established range of lot sizes. This submission provides an analysis of the surrounding settlement pattern to support the nomination of an appropriate Rural Living Zone subcategory.

➤ Immediate Locality Settlement Pattern

Small rural living allotments (established fragmentation):

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

These lots demonstrate established small-scale rural living development within the locality.

Dominant rural living pattern (prevailing character):

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This group represents the dominant rural residential character of the immediate locality.

➤ Broader Rural Context

The broader landscape includes larger rural holdings exceeding approximately 10 hectares. These properties operate at a fundamentally different spatial and land-use scale, reflecting agricultural or extensive rural land uses rather than rural living development. Accordingly, they are relevant to broader landscape context but do not define the immediate rural residential settlement pattern.

➤ Planning Interpretation

The settlement pattern demonstrates a clear rural living interface characterised by a dominant 1–3 hectare lot structure, supported by smaller historical excisions. This reflects a transitional rural landscape rather than a uniform rural residential environment. The immediate locality therefore exhibits sufficient diversity and established rural living fragmentation to support a Rural Living Zone outcome that reflects existing development form.

Subcategory Nomination

Having regard to the established settlement pattern, the most appropriate Rural Living Zone subcategory for the subject land is Rural Living Zone – Category A (RLZ A).

This nomination reflects the presence of established small rural living allotments, the dominance of 1–3 hectare rural residential lots, and the transitional nature of the locality. RLZ A is considered appropriate as it aligns with the functional settlement pattern of the immediate area and ensures consistency with existing rural living development.

Should the Commission determine that RLZ B is more appropriate on balance, this is acknowledged as an alternative position within the established rural living spectrum.

Conclusion

The subject land is located within a varied rural living environment where multiple lot size typologies coexist. A RLZ A classification most accurately reflects the immediate settlement pattern and ensures consistency with established rural residential development.

SUPPORTING EVIDENCE AND ARGUMENTS FOR RLZ:

Please refer to my original submission 445 (attached) and the below dot points from my representation held on 08/09/2025.

- **The site does not meet the minimum lot size requirement** of 20 hectares to justify LCZ. The site is **3.2 hectares**.
- **The site does not meet the minimum vegetation coverage** – it's estimated the site is approximately **60% cleared**.
- The site has a **current and historical priority of residential use and lower order rural activities** (keeping and grazing of livestock and horse agistment) which should be recognised and retained.
- Based on the referenced mapping (see link below), **no threatened vegetation communities are identified within the site**. Consequently, the LCZ 2 justification and the proposed Priority Vegetation Area overlay are not applicable.
https://maps.thelist.tas.gov.au/listmap/app/list/map?bookmarkId=1070114&fbclid=IwY2xjawGg1qxleHRuA2FlbQlxMAABHZISDKf952GD39As526U2nPRXPpyUFYpyFyK6C-9Vg5yOxyFLDywnfv4zZw_aem_-JqKI7T9NVHcCD6l9zuDlq
- There has been **no landscape analysis undertaken by Council** as part of their LPS preparation. In the absence of any landscape analysis undertaken by Council, it cannot be confirmed by Council that the subject site has any particular landscape values. Likewise, the absence of any landscape analysis means that the subject site as well as others to be rezoned to Landscape Conservation have no known or documented scenic values.
- **Neighbouring properties, with similar levels of clearing and lot size, have been zoned Rural Living**. Notably, some properties with larger areas of native vegetation and less clearing have also received Rural Living zoning rather than Landscape Conservation. This indicates inconsistency in the application of zoning principles and raises concerns regarding equitable treatment.
- Kingborough Council have not considered the **finance and insurance implications of LCZ**. A simple call to ANZ Bank has confirmed that they will not lend against vacant Environment Living zoned property once it transitions to Landscape Conservation, where residential use is discretionary. This has **catastrophic implications for anyone wanting to refinance or sell their property**.
- The **Natural Values Code and Scenic Protection Code provide more than adequate protection of bushland** in these areas and in meeting the Schedule 1 Objectives of LUPA. LCZ is not necessary for privately owned property unless explicitly requested by the property owner.

-
- We have **plans to renovate and extend our existing home**; however, the proposed Landscape Conservation zoning makes this seem unfeasible due to the significant red tape and the extensive assessments and reports that would be required. The associated costs — both financial and emotional — are considerable. Furthermore, the **likely decrease in property value resulting from the LCZ designation makes it an unsound investment to proceed with improvements** under the proposed zoning.
 - Our property does not meet any of the criteria for the Landscape Conservation Zone (LCZ). It appears the zoning proposal may be based on the LCZ 3 guideline: *“The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.”* However, neighbouring properties are proposed to be zoned as both Rural Living and Landscape Conservation. Given that our property does not satisfy any of the LCZ criteria and is more comparable in characteristics to the adjoining Rural Living–zoned land, it would be reasonable to consider our property more appropriately aligned with the Rural Living Zone.
 - The application of LCZ to our property directly contradicts the criteria set out in the LCZ guidelines: **Our property does not feature extensive native vegetation, threatened species, or notable scenic values that warrant conservation.**

Guideline LCZ 4 specifically states that the Landscape Conservation Zone **“should not be applied to land where the priority is for residential use and development.”** Our property has historically been designated for residential purposes under the Environmental Living Zone (ELZ), which aligns more closely with the intent and characteristics of the Rural Living Zone (RLZ).

- **The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes.** There are key policy differences between the two zones. The **Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.** Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.

As noted in the **Guideline No. 1 Local Provisions Schedule (LPS): zone and code application** issued by the Tasmanian Planning Commission under section 8A of the Land Use Planning and Approvals Act 1993

The decision to apply LCZ is therefore arbitrary, unlawful, and contrary to the purpose and objectives of the LUPA Act.

THE BIODIVERSITY OFFSET POLICY:

- The policy has never been subject to community consultation.
- The policy is heavy handed and onerous on the landholder – more red tape and discretionary power (that lacks clear definition) given to council.
- The Tasmanian Planning Scheme has a purpose to deliver a consistent and fair statewide planning scheme. Why should Kingborough residents have to endure this

extra level of bureaucracy, cost and time of producing reports, not to mention mental distress, when no other municipality in the state demand it?

- The Natural Values Code and Scenic Protection Code provide more than adequate protection of bushland in these areas and in meeting the Schedule 1 Objectives of LUPA. The Biodiversity Offset Policy is an unnecessary extra level of complexity and cost to land holders.

PRIORITY VEGETATION AREA CODE OVERLAY:

I am concerned that the Irenainc report contains technical issues, inconsistencies, and questionable reasoning.

For example, in relation to Neika, the review states that the locality contains “State and bioregionally significant native vegetation communities” and provides “important habitat for threatened species.” However, TASVEG 5.0 identifies the vegetation as wet eucalypt forest and woodland, and confirms that:

- there are no State or bioregionally significant vegetation communities present.
- there are no recorded threatened native vegetation communities.
- the Tasmanian Planning Commission has not identified the land as native vegetation of local importance.

These findings are directly inconsistent with the claims made in the LCZ Review. As such, the description of the area as containing “significant vegetation communities” appears unsubstantiated and inaccurate.

The proposed Priority Vegetation Area overlay is not appropriate. The site does not contain any threatened vegetation, as confirmed by the reference provided below. Therefore, the LCZ 2 justification should not apply, nor should the proposed Priority Vegetation Area overlay. Any application of this overlay should be based on verifiable evidence of actual priority vegetation on the property, not on the “possibility” that it may exist.

https://maps.thelist.tas.gov.au/listmap/app/list/map?bookmarkId=1070114&fbclid=IwY2xjawGg1qxleHRuA2FlbQlXMAABHZISDKf952GD39As526U2nPRXPYUFYpyFyK6C-9Vg5yOxyFLDywnfv4zZw_aem_-JqKI7T9NVHcCD6l9zuDlq

OTHER STUFF:

- I only became aware of the proposed Landscape Conservation zoning by chance, after coming across a social media post from the Huon Valley. Since then, I have taken a strong interest in the proposal, primarily because the LCZ does not appear to be a fair or reasonable approach for privately owned land. In effect, it imposes restrictions similar to those of a national park, severely limiting how owners can use and manage their own property.
- I am both surprised and disappointed that Kingborough Council has chosen to follow the same approach as Huon Valley Council, applying the Landscape Conservation Zone so broadly. This decision has caused unnecessary distress to many landholders and represents a questionable use of ratepayer resources.
- The objective of the planning provisions is to ensure consistency across the state; however, it appears that landowners in Kingborough are being treated unfairly. Other councils have recognised that the Landscape Conservation Zone can be inequitable for private landholders, either by adopting an opt-in approach or by applying the zone

sparingly. In contrast, the proposed application in Kingborough imposes broad restrictions, creating a sense of discrimination against local landowners.

- One must ask whether this proposal passes the “pub test.” Would any reasonable member of the public consider it acceptable for the Council or Government to effectively lock up privately owned land, on which owners have invested substantial amounts of money, with restrictions akin to those of a national park?
- We have chosen to live in a rural setting because we value the environment and wish to protect the natural landscape in which we reside. We are not developers seeking to clear the land; rather, we wish to maintain the green space, tranquillity, and natural character of our property. At the same time, we want to safeguard our investment and retain the ability to engage in small-scale, traditional rural activities, such as keeping a few sheep, cows, or horses, or growing produce.
- I personally would prefer the TPC to take this process out of KC’s hands as the planners have shown time and again that their priority is landscape aesthetic over everything else.
- If the Landscape Conservation Zone is applied to my property and this results in a decline in its market value, what recourse would be available to recover losses directly attributable to the rezoning? Furthermore, who would be responsible for compensating affected landowners in such circumstances?
- It is concerning that ratepayer funds are being expended in a process that requires us to defend our property rights. Kingborough Council frequently deflects responsibility by citing the State Government; however, the Council has had the opportunity to adopt an opt-in approach to the Landscape Conservation Zone. Such an approach would have reduced stress and costs for landowners while still meeting planning objectives.
- I have been a founding member of the *No Compulsory Landscape Conservation* Facebook group since its inception in 2022. The group includes members with extensive knowledge of planning, relevant codes, and policies. While I am not an expert, it became immediately clear that the proposed LCZ is fundamentally unfair.

As a group, we have actively engaged with Kingborough Council through petitions requesting a review of the LCZ application, direct meetings with councillors and planners, letterbox drops, questions at Council meetings, and community information sessions. Membership has now grown to approximately 1,500 people, the majority of whom only became aware of the proposed zoning through friends or neighbours. This widespread lack of initial notification highlights the inequity of the process.

FUTURE USE:

- The property is largely cleared with a paddock for cows, sheep, horse’s goats, chickens, a large vege patch, farm shed and several dams.
- At the bare minimum we wish grow our own food for our own consumption on our land i.e. low-level rural activity.
- We would like to renovate our existing home with an extension and be comfortable that the value of the property will not be impacted negatively by a zoning change that favours landscape over residential use.

- We would love the opportunity to subdivide the property in two and sell the second title, but our number one priority is to not be zoned LCZ.
- Whilst I work fulltime for DPaC, we also own a café, 2 x food trucks and have recently launched a smokehouse. With a love of food and good produce we have long talked about a desire to create a small sustainable paddock to plate experience on our property growing ethically raised meat and produce. Ideally, we would love a very small-scale operation where visitors could come to the property and see how the animals live, and produce is grown and be served a seasonally appropriate meal from the “farm”. Similar to the “The Farm in Byron Bay”

PHOTO'S OF PROPERTY:









Figure 1.2 – Current aerial view of site showing cleared paddocks.



Figure 2 - Historic Aerial Photography – 1961-1970” demonstrating the historic land use/clearing of the site.

THE LCZ SHOULD NOT BE REINSTATED:

While I support the RLZ recommendation, I am concerned that the Commission may revert to LCZ rather than adopting Ireneinc's recommendation. I place the following matters on the record.

➤ **LCZ was historically over-applied and inconsistently justified**

The Ireneinc LCZ Review documents that the TPC found Council's initial LCZ application was often inconsistent with the Zone Guidelines and with surrounding land. The exhibited LCZ for my property was part of a blanket application covering approximately 75% of ELZ parcels — an approach the TPC itself queried repeatedly. Ireneinc's recommendation to apply RLZ to my property is the product of a more rigorous, property-level analysis that should be preferred over the exhibited LCZ.

➤ **The Commission is not bound by the exhibited LCZ**

Chair Nick Heath confirmed at Day 20 [06:45:48] that the Commission will decide on section 34 LUPAA criteria and is not bound by Council's exhibited position or by Council's 16 March 2026 resolution favouring the 'least restrictive alternative'. The Commission is therefore free to adopt the RLZ recommendation, and I urge it to do so.

➤ **The evaluation framework is not a statutory instrument**

Kate Heckelmann (Ireneinc) confirmed at Day 20 [05:53:00] that the evaluation framework is a tool, not a statutory instrument. The Commission may adopt, modify, or depart from Ireneinc's recommendations as it sees fit under section 34 LUPAA — but where Ireneinc's analysis supports RLZ and is consistent with the Zone Guidelines, as here, the Commission should adopt it.

CONCLUSION:

For the reasons set out above, I submit that:

1. The Ireneinc recommendation to include my property within the RLZ is correct and is consistent with the Zone Guidelines (Guideline No. 1) and the requirements of section 34 of LUPAA.
2. The exhibited LCZ was not appropriate for my property and should not be reinstated. The RLZ recommendation reflects a more rigorous analysis and should be adopted.
3. The most appropriate RLZ subcategory for my property is RLZ A or B which reflects the existing pattern and density of development in my locality under Zone Guideline RLZ 3.
4. Any landscape values in the broader locality can be appropriately managed through existing overlay controls — NAC, PVA overlay, and SPC — in combination with the lot size controls of the RLZ subcategory.

I respectfully request that the Commission:

- Adopt the Ireneinc recommendation and include my property within the RLZ subcategory A/B in the Kingborough Local Provisions Schedule; and
- Not revert to the exhibited LCZ, which is not supported by the site-specific evidence for my property.

Signed: Full name: Angela Hanly	Date: 03/05/3036 Contact email / phone:
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ACRONYMS / TERMS USED IN THIS SUBMISSION:

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
Locality	Mean the relevant locality as defined in the Ireneinc report
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
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code

STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

Angela Hanly & Dom Fowler

██████████,
Neika, Tasmania, 7054

Mr David Stewart
CEO Kingborough Council
Kingborough Council
Locked Bag 1, KINGSTON TAS 7050

KINGBOROUGH DRAFT LPS REPRESENTATION

Property Address: ██████████ **Neika**

Owner name: Angela Hanly			Location address: ██████████, Neika, Tas, 7054	
PID	Area Size	Kingsborough Interim Planning Scheme	Proposed Zone	Alternate Zone
██████████	3.13ha	Environmental Living Zone	Landscape Conservation Zone	Preference 1: Rural Living Zone A or B

Dear Mr Stewart,

I am the owner of ██████████ at Neika, and I am strongly opposed to the proposed rezoning of my property to Landscape Conservation Zone (LCZ) as proposed in the zone mapping provided as part of the draft LPS documentations currently being advertised by Kingborough Council. I also object to the application of the Biodiversity Offset Policy Protection Area and proposed Priority Vegetation Area and proposed Scenic Protection Area overlays on my property.

I oppose the zoning of my property from the current Environmental Living zone to the proposed zoning of Landscape Conservation on the basis that this zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines when considered against the characteristics of the subject site and surrounding area.

It is further considered that Council has not undertaken sufficient analysis of the subject site as well as other similarly affected properties in Neika to justify a rezoning from a rural residential focused zoning to an environmentally focussed zoning that focusses solely on landscape and natural values. I am of the understanding that Council has not undertaken any site-specific assessment of either environmental or natural values to justify a rezoning of affected properties as part of their preparation of their draft LPS. The LPS assessment by Council has been undertaken as a desktop assessment of affected land transferring current ELZ properties to LCZ, and making an arbitrary claim that all land with an elevation greater than 100m is subject to the Scenic Landscapes Code therefore justifying LCZ. This assessment is considered wholly insufficient to justify a rezoning.

The Landscape Conservation Zone is anticipated to have severe and detrimental impacts on property value, residential utility and the future ability to obtain finance and property insurance on reasonable terms, amongst a range of other issues.

It is unclear to me why Kingborough Council has proposed this zone, considering that other zone applications are available under the Tasmanian Planning Scheme, which are more appropriate and do not involve severe impacts on landowners and rural fringe communities. To be clear – Landscape Conservation Zone should NOT be proposed for ANY privately owned land, unless the property owner requests it. The implications of inflicting this zoning on private land holders are dire and detrimental and when compared to other municipalities where council have chosen not to apply LCZ due to its negative impacts it could be seen as discriminatory against Kingborough residents.

At the minimum, Kingborough Council should have carefully considered the impacts of the zone on residents and landowners, including finance and insurance implications - this does not appear to have been undertaken or considered. In addition, Council should have consulted with the Kingborough Community prior to putting proposed zone mappings to State Government. This is what good planning would have looked like.

If Kingborough Council has not consulted with the community and has not considered the impacts on landowners, including finance and insurance implications, then it could not possibly have been in a position to finalise its draft LPS without a clear and obvious breach of the *Land Use Planning and Approvals Act 1993*, most notably the *Schedule 1 - Objectives* which are outlined and highlighted on the following page.

Planning outcomes should reflect an appropriate balance between a range of considerations, including natural value considerations, community outcomes, economic and social outcomes and the reasonable property right expectations of landowners. It should not be forgotten that properties reflect not only landowner identities, but so often the sum total of life savings and the financial wellbeing of individuals, families and communities. Impacts on the individual and groups within the community speaks to the issue of “fairness” which mentioned in the LUPA *Schedule 1 – Objectives*, an issue which has not been considered by Council.

It is evident that Kingborough Council, in relation to the Landscape Conservation Zone, has focused pre-dominantly (and I would suggest exclusively – unless they are able to prove otherwise) on natural value related considerations with respect to the Schedule 1 Objectives of LUPA. They have not, as required by the Act, considered other important aspects to this new zoning, including matters of fairness, the promotion of sustainable development and social, economic and cultural well-being. It is unclear why this approach has been taken, but is suggestive of professional and ethical misconduct. It is also suggestive of the pursuit of personal agendas above the broader interests of community and individuals.

I request for the TPC in Commission Hearings to explicitly ask Kingborough Council the following questions and for these questions to be put on record:

- **were financing considerations for LCZ landowners investigated prior to finalising the drafting the LPS with State Government?**

- were insurance considerations for LCZ landowners investigated prior to finalising the drafting the LPS with State Government?

If Council staff advise that these issues were not fully investigated prior to the finalisation of the draft LPS with the State Government, then I contend that the requirements of LUPA have not been met and the application of the Landscape Conservation Zone as per the Draft LPS is entirely invalid.

THE SUBJECT SITE

In the case of my specific property, the Rural Living Zone is a more appropriate zone and creates less conflict with existing dwellings for areas dominated for residential use. My property, like others nearby, was purchased for residential use and lower order rural activities.

The Natural Values Code and Scenic Protection Code provide more than adequate protection of bushland in these areas and in meeting the Schedule 1 Objectives of LUPA.

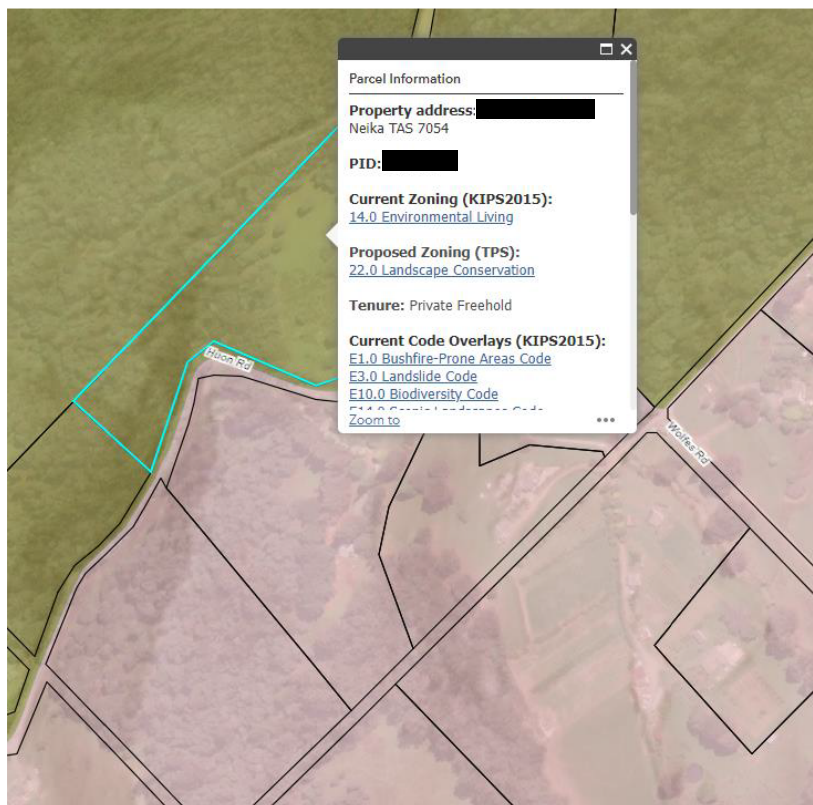


Figure 1 - Kingborough Council draft LPS



Figure 1.1 - Kingborough Council draft LPS depicting neighbouring properties of similar lot size and clearance proposed Rural Living zone vs our Landscape Conservation Zone proposal.



Figure 1.2 – Current aerial view of site showing cleared paddocks.

The subject site is [REDACTED] at Neika (CT-[REDACTED]) and is currently wholly zoned Environment Living zone under the Kingborough Interim Planning Scheme 2015 as shown overleaf above in Figure 1, 1.1 and 1.2 above. The subject site measures 3.13 hectares in total area. The subject site has frontage onto [REDACTED]. Of the site area, around 60% of the subject site is cleared of native vegetation across a large primary area measuring around 1.9 hectares in area which also contains a residential dwelling and outbuildings/sheds and several dams. Historical clearing of the site linked to the keeping and grazing of livestock was much more widespread in previous times which can be seen in Figure 2 and 2.1 – “The List MAP – Historic Aerial Photography – 1961-1970” demonstrating the historic land use/clearing of the site.



Figure 2 - Historic Aerial Photography – 1961-1970” demonstrating the historic land use/clearing of the site.



Figure 2.1 - Historic Aerial Photography – 1961-1970” demonstrating the historic land use/clearing of the site.

LANDSCAPE CONSERVATION ZONING proposal for [REDACTED], Neika

- The site does not meet the minimum lot size requirement of 20 hectares to justify LCZ. The site is 3.2 hectares
- The site does not meet the minimum vegetation coverage – it’s estimated the site is approximately 60% cleared.
- The site has a current and historical priority of residential use and lower order rural activities (keeping and grazing of livestock and horse agistment) which should be recognised and retained.
- There is currently no threatened vegetation associated to the site which can be referenced at the below link. Therefore the LCZ 2 justification should not apply to the site, nor should the proposed Priority Vegetation Area overlay https://maps.thelist.tas.gov.au/listmap/app/list/map?bookmarkId=1070114&fbclid=IwY2xjawGg1qxleHRuA2FlbQIxMAABHZISDKf952GD39As526U2nPRXPpyUFYpyFyK6C-9Vg5yOxyFLDywnfv4zZw_aem_-JqKI7T9NVHcCD6l9zuDIg
- There has been no landscape analysis undertaken by Council as part of their LPS preparation. In the absence of any landscape analysis undertaken by Council, it cannot be confirmed by Council that the subject site has any particular landscape values. Likewise, the absence of any landscape analysis means that the subject site as well as others to be rezoned to Landscape Conservation have no known or documented scenic values.
- Neighbouring properties with similar clearing and size have been zoned Rural Living. In fact, neighbouring properties with much larger areas of native vegetation/less clearing

and almost identical lot sizes have been zoned RLZ not LCZ. This demonstrates disparity in Councils logic and is by nature unfair and discriminatory.

- Kingborough Council have not considered the finance and insurance implications of LCZ. A simple call to ANZ Bank has confirmed that they will not lend against vacant Environmental Living zoned property once it transitions to Landscape Conservation, where residential use is discretionary. This has catastrophic implications for anyone wanting to refinance or sell their property.
- The Natural Values Code and Scenic Protection Code provide more than adequate protection of bushland in these areas and in meeting the Schedule 1 Objectives of LUPA. LCZ is not necessary for privately owned property unless explicitly requested by the property owner.
- We have plans to renovate and extend our existing home. Landscape Conservation zoning makes this proposal seem out of reach with the red tape and required assessments/reports. Costly – in terms of time, finance and mental load.
- Our site does not meet any of the criteria for LCZ, so we can only assume we are being wrapped up in the LCZ 3 guideline of “The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone” It should be noted that we have neighbouring properties zoned Rural Living and Landscape Conservation, so given our property doesn’t meet any of the criteria for LCZ, it would be fair to assume that our property is more aligned to the neighbouring properties zoned Rural Living
- The application of LCZ to my property directly contradicts the criteria set out in the LCZ guidelines:
 - o My property does not feature extensive native vegetation, threatened species, or notable scenic values that warrant conservation.
 - o Guideline LCZ 4 specifically states that LCZ “should not be applied to land where the priority is for residential use and development.” My property has historically been designated for residential purposes under the Environmental Living Zone (ELZ), aligning more closely with the Rural Living Zone (RLZ).

As noted in the **Guideline No. 1 Local Provisions Schedule (LPS): zone and code application** issued by the Tasmanian Planning Commission under section 8A of the Land Use Planning and Approvals Act 1993

- o The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.
- The decision to apply LCZ is therefore arbitrary, unlawful, and contrary to the purpose and objectives of the LUPA Act.

THE BIODIVERSITY OFFSET POLICY

- The policy has never been subject to community consultation.
- The policy is heavy handed and onerous on the landholder – more red tape and discretionary power that lacks clear definition given to council.
- The Tasmanian Planning Scheme has a purpose to deliver a consistent and fair statewide planning scheme. Why should Kingborough residents have to endure this extra level of bureaucracy, cost and time of producing reports, not to mention mental distress, when no other municipality in the state demand it?
- The Natural Values Code and Scenic Protection Code provide more than adequate protection of bushland in these areas and in meeting the Schedule 1 Objectives of LUPA. The Biodiversity Offset Policy is an unnecessary extra level of complexity and cost to land holders.

PRIORITY VEGETATION AREA

- The proposed priority vegetation area overlay is not appropriate. The site does not contain any threatened vegetation as can be referenced at the below link. Therefore the LCZ 2 justification should not apply to the site, nor should the proposed Priority Vegetation Area overlay
https://maps.thelist.tas.gov.au/listmap/app/list/map?bookmarkId=1070114&fbclid=IwY2xjawGg1qxleHRuA2FlbQIxMAABHZISDKf952GD39As526U2nPRXPyUFYpyFyK6C-9Vg5yOxyFLDywnfv4zZw_aem_-JqKI7T9NVHcCD6l9zuDlq

I would appreciate your full consideration concerning my objections, as this rezoning will severely impact me and also my neighbours financially and emotionally.

Please strongly reconsider the proposed rezoning. It is irresponsible and disrespectful of the Kingborough council to slide this through without consent of their rate paying residents to say the least.

From a deeply concerned and worried resident who has resided in this property on this land for over 10 years.

Sincerely,

Angela Hanly & Dom Fowler

Key legislative extracts from the *Land Use Planning and Approvals Act 1993*

5. Objectives to be furthered

It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1.

34. LPS criteria

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
- (b) is in accordance with section 32 ; and
- (c) furthers the objectives set out in Schedule 1 ; and

SCHEDULE 1 - Objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\) , \(b\) and \(c\) ; and](#)
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In [clause 1 \(a\) ,](#) **sustainable development** means managing the use, development and protection of natural and physical resources in a way, or at a rate, **which enables people and communities to provide for their social, economic and cultural well-being** and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.