
From: Justine Brooks [REDACTED]
Sent: Monday, 4 May 2026 11:54 PM
To: Kingborough LPS
Subject: Submission - KCC LPS M Cretan [REDACTED] - Ireneinc Review report/ Direction 69
Attachments: LETTER - KCC LPS - Submission M Cretan [REDACTED].pdf

Please find attached submission on behalf of Mr Mike Cretan of [REDACTED] Neika

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4 May 2026

Draft LPS Submission – [REDACTED] Neika

Property: [REDACTED] Neika, TAS

Owner: Michael Cretan

Title area: approx. 36.3 ha

Requested outcome: Apply the Rural Living Zone (RLZ D) instead of the proposed Landscape Conservation Zone (LCZ)

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Executive Summary

This submission requests that the draft Kingborough Local Provisions Schedule apply the Rural Living Zone (RLZ D) to [REDACTED] Neika, in place of the proposed Landscape Conservation Zone (LCZ).

The key planning issue is fit-for-purpose zoning and proportionality: whether landscape conservation is the land's dominant strategic purpose, or whether the scheme should recognise the existing, lawful pattern of rural living and the practical land management that goes with it. On this title, RLZ D is the zone that best achieves the zone purpose.

Importantly, the requested zoning does not seek to increase subdivision potential or development yield. It simply aligns the zoning with the existing lawful use and ongoing management of the land.

[REDACTED] is a 36.3 ha lifestyle holding with an established dwelling and outbuildings, about 3 hectares of cleared land around the residential curtilage, domestic gardens, a dam and creek frontage, with substantial vegetation retained across the balance of the title. Landscape and vegetation values are acknowledged but can be appropriately managed through the scheme's overlays and codes without applying a conservation-led base zone to an occupied holding.

In a high bushfire risk setting, maintaining defendable space, reducing fuel loads and managing access is fundamental to life safety and safe occupation. RLZ appropriately recognises these ongoing management requirements as part of normal rural living.

Accordingly, RLZ is sought because it reflects the land's dominant function as rural living, supports continued lawful occupation and land stewardship, and avoids an overly restrictive zoning response that is not warranted on the facts of this title.

This outcome is consistent with the Section 8A Guideline, which requires the zone applied to best achieve the zone purpose having regard to the land's dominant use and function.

1.1 1. Response to Ireneinc / Direction 69 Review

This submission acknowledges the strategic role of Ireneinc's Direction 69 review and accepts that it provides a useful municipality-wide assessment of landscape character and sensitivity.

However, as a strategic study it cannot, of itself, determine the correct base zone for each individual title. It should inform zoning decisions but not displace site-specific judgement about the land's dominant function and the practical consequences of the zoning outcome.

That distinction is especially important for larger titles such as [REDACTED]

At a broad mapping scale, the title may present as a heavily vegetated parcel within a visually sensitive corridor. At the property scale, it functions as a lawfully established lifestyle holding with a clear residential curtilage and ongoing management needs.

[REDACTED] is not an undeveloped landscape parcel; it is an occupied and actively managed lifestyle property containing:

- an established dwelling
- associated outbuildings
- approximately 3 hectares of cleared land surrounding the residential curtilage
- domestic gardens and food production
- a dam
- managed access
- creek frontage; and
- substantial retained vegetation across the balance of the title.

These characteristics are central to the zoning question and demonstrate that conservation is not the title's dominant strategic purpose.

The relevant planning question is not whether the land contributes to landscape character (it does); it is whether conservation is the title's dominant strategic purpose. On this title, it is not.

The dominant strategic purpose is rural living. This is demonstrated by established residential occupation in a rural setting, lifestyle-scale land stewardship and essential bushfire risk management.

Accordingly, applying the LCZ on the basis of mapped landscape values would be an overly broad translation of strategic landscape mapping into a conservation-led zoning outcome that does not reflect how the land is used, occupied and managed.

Landscape and vegetation values can be recognised and managed through the scheme's existing provisions without assigning a base zone that implies conservation is the primary land use outcome.

In this case, the strategic function of the land is rural living, not landscape conservation.

1.2 2. Requested Outcome

The draft LPS should be amended to apply the Rural Living Zone (RLZ D) to [REDACTED] Neika, in place of the proposed Landscape Conservation Zone (LCZ).

Primary request: Apply the Rural Living Zone (RLZ D) to the subject land.

Alternative request (if RLZ is not supported): Apply a suitable alternative zoning outcome, including consideration of a split zoning or Particular Purpose Zone, that recognises the established residential curtilage and active management area while appropriately managing landscape values across the balance of the land.

RLZ is the most appropriate base zone because it reflects the title's size and established pattern of use, existing lawful residential occupation in a rural setting, lifestyle-scale stewardship (including domestic productive use), and the ongoing vegetation and fuel management required for bushfire safety.

The requested zoning does not seek to increase subdivision potential or development yield, but simply aligns zoning with the existing lawful use and management of the land.

1.3 3. The Land and Existing Character

[REDACTED] comprises approximately 36.3 ha and functions as a large rural lifestyle holding with an established dwelling and a clear residential curtilage. The land's existing development and management characteristics are summarised in Section 1 above.

The subject land has a long history of active, managed use rather than conservation use. Historically, the property supported a radiata pine plantation established in the 1960s (with a number of mature trees still present), followed by use as a horse riding school and later small-scale poultry keeping. While current use is low-intensity, these past and ongoing activities demonstrate that the land is a modified and managed landscape rather than an intact conservation asset.

In addition, the presence of exotic species and a significant weed burden requires ongoing intervention, including vegetation management and fuel reduction. This reinforces that active land management is an inherent and necessary component of the land's use and is consistent with rural living outcomes, rather than a conservation-led management regime.

The land is not managed for broad-acre primary production and it is not managed as conservation reserve land. It is managed for rural living, amenity and safety, with domestic productive use around the established dwelling.

This includes the practical use of the land for:

- residential occupation
- domestic food production
- private open space and amenity
- bushfire preparedness
- water management; and
- general lifestyle-scale land stewardship.

Those characteristics align squarely with the purpose and intent of the Rural Living Zone, and are not consistent with a conservation-led base zoning response. The presence of extensive vegetation across the balance of the title is an important landscape attribute, but it does not change the land's dominant function as an occupied lifestyle holding.

1.4 4. Bushfire Risk, Vegetation Management and Life Safety

Bushfire risk and life safety are central considerations for this title and must be reflected in the planning framework applied to it.

Like other properties in the Neika locality, [REDACTED] is in a high bushfire risk environment where safe occupation depends on ongoing, practical management of vegetation, fuel loads and access.

This includes:

- maintaining defensible space around the dwelling and outbuildings
- reducing fuel loads
- managing understorey growth
- maintaining safe access
- managing vegetation near structures
- controlling weed spread; and
- maintaining practical fire response capacity around the residential curtilage.

These are essential safety works (not discretionary landscape works) undertaken because the land is occupied and exposed to bushfire risk.

The need to manage remnant plantation species, regrowth and weed spread is also directly linked to bushfire risk management. These factors further support the appropriateness of a zoning framework that recognises active intervention as part of normal land stewardship.

A recurring concern for landowners in this locality is the cumulative effect of multiple planning controls operating over vegetation management.

On this title, vegetation and environmental values can already be managed through overlays, codes and specific assessment provisions where required.

Applying the LCZ would add a second, more restrictive layer over the same matters, using zoning as an additional vegetation control rather than as a statement of the land's primary strategic use.

That approach is unnecessary and disproportionate on an already occupied holding. It risks creating avoidable tension between landscape retention and essential bushfire safety works. This is inconsistent with the planning scheme's intent to accommodate bushfire hazard management where required for life safety.

RLZ is better suited because it recognises ongoing land management as part of normal, safe occupation.

1.5 5. Section 8A Guideline Assessment

The Section 8A Guideline directs that the zone applied should be the one that best achieves the zone purpose to the greatest extent possible, having regard to the land's dominant use and strategic function.

For [REDACTED] that zone is RLZ, not LCZ. This is because RLZ is the zone that best reflects and facilitates the land's dominant use and ongoing management, and therefore best achieves the zone purpose as required by the Section 8A Guideline.

LCZ is intended for land where conservation and landscape protection are the dominant planning outcomes. That does not accurately describe this title.

The subject land is a large, occupied lifestyle holding with an established dwelling, domestic-scale productive use and ongoing active land management requirements, including essential bushfire risk management.

Its dominant function is residential occupation in a rural setting; the zoning should reflect that reality.

RLZ is the more appropriate zone because it recognises:

- large lifestyle holdings with established residential occupation
- rural living character and amenity outcomes
- lifestyle-scale land stewardship and practical land management
- domestic-scale productive use associated with the dwelling and curtilage; and
- ongoing vegetation and fuel management necessary for safe occupation in bushfire-prone areas.

Applying RLZ would deliver a zoning outcome that aligns with the zone's purpose and the land's established function, while still allowing landscape and environmental values to be managed through the planning scheme framework.

Accordingly, the LCZ should not be applied to [REDACTED]

1.6 6. Why the Landscape Conservation Zone is Not Appropriate

LCZ is not appropriate for this title because it would treat an occupied lifestyle as though conservation is its primary land use outcome.

That is inconsistent with the land's established use and would be a disproportionate zoning response given existing scheme mechanisms to manage vegetation and landscape values.

In particular, applying LCZ would:

- mischaracterise the land's primary use
- apply a conservation-led planning response to an occupied lifestyle property
- duplicate vegetation controls already addressed elsewhere in the planning scheme
- create avoidable conflict between vegetation retention and bushfire safety
- add unnecessary uncertainty to practical land management; and
- apply the wrong planning tool to the land's actual strategic purpose.

The application of LCZ in this instance is not necessary to achieve conservation outcomes, as those outcomes can already be delivered through overlays and codes without altering the base zoning.

1.7 7. Why the Rural Living Zone is Appropriate

RLZ is the most appropriate zone for [REDACTED] because it matches the land's established pattern of use: lawful residential occupation on a large rural holding with lifestyle-scale management and stewardship.

The application of RLZ does not seek to create new rural living supply or subdivision potential, but rather reflects an existing, established rural living use consistent with STRLUS principles supporting consolidation and recognition of existing settlement patterns.

The application of RLZ in this instance is therefore consistent with strategic planning principles that recognise and consolidate existing rural living patterns, rather than creating new supply.

It provides an appropriate planning framework for continued lawful occupation and associated lifestyle-scale land use, while allowing landscape and vegetation values to be managed through the scheme's provisions without treating conservation as the primary land use outcome.

Applying RLZ would achieve the zone purpose to the greatest extent possible and deliver a fair, practical and strategically accurate zoning outcome for this title.

1.8 8. Conclusion

The LCZ is not the most appropriate zone for [REDACTED] Neika.

While Ireneinc's strategic review is acknowledged, applying its broad landscape mapping to this title would produce a conservation-led zoning outcome that does not reflect the land's dominant strategic function.

The land's dominant function is rural living: an established dwelling and curtilage, domestic productive use, and ongoing active management in a high bushfire risk setting. RLZ is therefore the proportionate and strategically accurate base zone.

Accordingly, the draft LPS should be amended to apply the Rural Living Zone (RLZ D) to [REDACTED] Neika, in place of the proposed Landscape Conservation Zone (LCZ).