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Sent: Monday, 4 May 2026 11:12 PM
To: Kingborough LPS
Cc: Nick Barta
Subject: Submission - [REDACTED], Neika - Ireneinc Review Report/ Direction 69
Attachments: Submission Ireneinc LCZ review report (Direction 69) - Nick Barta JB270426.pdf

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Please find attached a Submission in response to the Ireneinc Review Report/ Direction 69 on behalf of Mr Nick Barta of [REDACTED], Neika.

A cover letter forms part of the submission.

pitt&sherry

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4 May 2026

Tasmanian Planning Commission
via email: kingboroughlps@planning.tas.gov.au

Subject: Submission – Draft Kingborough Local Provisions Schedule – Response to Direction 69
and Ireneinc report – [REDACTED], Neika



To Planning Commission Delegates

I write to provide the attached submission on behalf of Mr Nick Barta regarding land at [REDACTED], Neika. This submission responds to the Ireneinc report prepared for Kingborough Council following Direction 69 issued by the Commission in relation to the draft Kingborough Local Provisions Schedule.

The submission requests that the proposed application of the Landscape Conservation Zone (LCZ) to the subject land be reconsidered. The preferred outcome is the application of the Rural Living Zone (RLZ) in recognition of the established residential use and the significant hazard and access constraints affecting this corridor.

For ease of reference, the submission is accompanied by the following attachments:

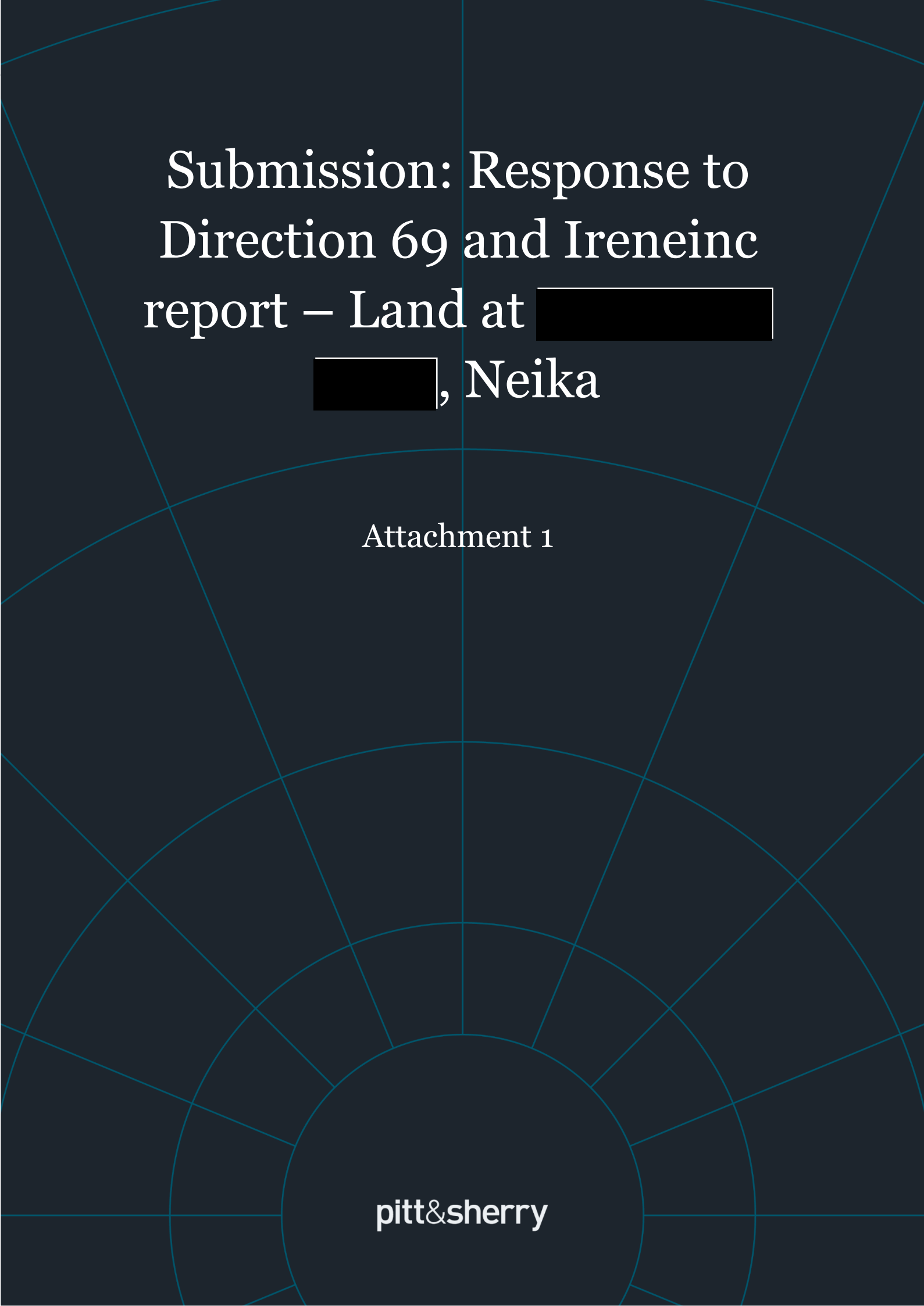
- Attachment 1: Submission: Response to Direction 69 and Ireneinc report – Land at [REDACTED], Neika
- Attachment 2: Bushfire Management Coverage – reference summary

Please contact me if the Commission requires any clarification or further information in relation to this submission.

Yours sincerely,

[REDACTED]

Justine Brooks, RPIA
Associate Project Manager and Urban Planner
On behalf of Mr Nick Barta

The background of the page features a series of concentric circles and radial lines, creating a grid-like pattern that resembles a stylized compass or a target. The lines are a light teal color against a dark navy blue background.

Submission: Response to Direction 69 and Ireneinc report – Land at [REDACTED] [REDACTED], Neika

Attachment 1

pitt&sherry

Executive summary

This submission responds to Direction 69 and the Ireneinc report regarding the draft Kingborough Local Provisions Schedule and the proposed application of the Landscape Conservation Zone (LCZ) to land at [REDACTED], Neika (the subject land). The subject land is an established lifestyle lot of just under 4 hectares with an existing dwelling and ancillary buildings, within an already-settled rural residential pattern.

LCZ is not the most suitable zone because it gives primacy to landscape protection for land that is already developed and occupied, notwithstanding the site's extreme bushfire risk and constrained access and egress. These matters can be addressed through overlays and codes (including the Bushfire-Prone Areas Code, Natural Assets Code, Scenic Protection Code and Landslip Hazard Code) without defaulting to a conservation-led zone. The preferred outcome is application of the Rural Living Zone (RLZ), which better aligns the zone purpose with existing use and settlement pattern and the Section 8A Guidelines, while retaining natural and landscape values through targeted controls.

1. Rezone the subject land from LCZ to RLZ, with an appropriate minimum lot size sub-area that reflects the existing title pattern and does not facilitate increased density.
2. Rely on overlays and codes to manage natural values and scenic outcomes, rather than using LCZ as a blunt primary control over existing residential holdings.

1. Introduction

This submission is made on behalf of Mr Nick Barta in relation to land at [REDACTED], Neika (the subject land). It responds to the Ireneinc report prepared for Kingborough Council following Direction 69 issued by the Tasmanian Planning Commission in relation to the draft Kingborough Local Provisions Schedule (LPS).

The draft schedule proposes applying the Landscape Conservation Zone (LCZ) to the subject land. The land is just under 4 hectares, is already developed for residential use, and contains a dwelling with ancillary outbuildings and established domestic and rural-living scale improvements.

Mr Barta does not seek an outcome that enables urban-style densification or expansion. He seeks a zone that reflects the established residential use of the subject land and does not impede routine, safety-driven work needed in an extreme bushfire risk setting.

For the reasons set out below, LCZ is not the most suitable zone for this land. The preferred outcome is RLZ.

The core issue is not whether the land contains vegetation (it does). The issue is whether the subject land has landscape conservation values that justify a conservation-led zone and, if so, whether that outcome should be elevated above life-safety needs in an already-settled and occupied area by making routine fuel reduction, weed control, and maintenance of safe access and sight lines harder. In a fast-moving fire, these measures are not optional: they reduce risk to residents and support safer access for emergency services.

2. Requested outcome

Mr Barta respectfully requests that the Commission reconsider the proposed application of the Landscape Conservation Zone to the subject land and instead apply:

1. RLZ, with a minimum lot size sub-area that reflects the existing title pattern and does not facilitate increased density.

The RLZ is preferred because it most accurately reflects both the existing and intended use of the land: an established dwelling on a lifestyle lot of just under 4 hectares with ancillary outbuildings and domestic-scale rural living activities (including vegetable gardens, fruit trees, and keeping chickens and goats). This is the ordinary, practical use of a rural lifestyle property and is consistent with the purpose and intent of the RLZ.

The proposed LCZ is not supported because it elevates landscape protection as the dominant planning purpose for land that is already developed, occupied and functioning as a residential holding. In doing so, it risks imposing unnecessary and costly barriers to the reasonable management of land for domestic use, rural living, food production, fuel reduction and weed control. That includes practical and safety-driven activities such as maintaining defensible space, managing vegetation, controlling weeds and preserving safe access and sight lines. These are not optional conveniences on this land; they are necessary and responsible land management measures in an already-settled and already-occupied area.

3. The land and its existing character

The subject land at [REDACTED] is just under 4 hectares and is an established residential property. It contains a dwelling, ancillary outbuildings, cleared domestic areas and accessways, and as mentioned earlier in this report, is intended to be used for rural-living scale activities such as vegetable gardening, fruit trees and keeping chickens and goats.

The subject land is already titled and developed. While it sits within a broader rural residential pattern in Neika, the zoning question before the Commission can be resolved based on the subject land's existing use and constraints rather than by treating vegetation presence alone as determinative.

Based on the landowner's understanding and a review of LISTmap layers (checked 25 April 2026), no mapped threatened species records, threatened native vegetation communities, or mapped conservation values were identified for the subject site in the layers reviewed. The immediate Huon Road streetscape in this section of the locality is characterised by a mixture of native and introduced vegetation, together with dead and poor-quality trees, rather than a cohesive conservation-quality landscape corridor.

Similar to surrounding titles, the subject land is also affected by weed infestation, including Spanish heath, blackberry, foxglove, varieties of thistle and orange hawkweed. These weeds are prevalent throughout the region and are understood to have been introduced and/or spread during previous road upgrades and road verge clearing. This contributes to increased fuel loads and an ongoing management burden for residents.

Road safety is a daily, real-world risk on this section of Huon Road. The road is narrow and winding, with frequent tight corners (including hairpin bends), and it carries buses, larger vehicles and visitors who may be unfamiliar with local conditions. When verges are overgrown and vegetation is left unmanaged on and beside residential properties, sight distance is reduced and drivers have less warning time around corners, increasing crash risk. In a bushfire, the consequences are worse: the same overgrowth can narrow the corridor, slow evacuation traffic in smoke and radiant heat, increase the likelihood of fallen debris blocking the road, and impede fire appliances when minutes matter.

4. Ireneinc report (Direction 69)

The Ireneinc report provides broader context for the Commission’s reconsideration of the Landscape Conservation Zone in Neika following Direction 69. It records concerns raised by residents about residential utility, vegetation and fire management, and Council’s reliance on broad desktop analysis rather than site-specific assessment.

Importantly, the report recognises that the north-western part of Neika contributes to a recognisable rural residential subdivision pattern, with lots generally ranging from about 2 to 7 hectares and generally containing existing residential uses and associated development.

Those observations support Mr Barta’s position: where land is already subdivided and already occupied for residential purposes, applying a conservation-led zone may not be the most suitable way to address environmental and landscape considerations, particularly where overlays and codes can provide targeted controls.

The report also describes other parts of the locality as contributing to a semi-rural character, with a mix of vegetation, residences and rural activities across the landscape.

Those descriptions align with the Rural Living Zone purpose: residential use in a rural setting, with compatible lower-order rural activities and retention of natural and landscape values.

The report notes that the locality is mapped within multiple overlays, including Waterway and Coastal Protection Area, Scenic Protection Area, Priority Vegetation, Bushfire-Prone Areas and Landslip Hazard.

This matters because those overlays and codes already provide targeted mechanisms to manage natural values, scenic values, bushfire risk and landslip risk at the assessment stage (see further at section 10). A conservation-led zone is not the only planning tool available.

The report also records principles that fragmented application of the Landscape Conservation Zone should be avoided, that isolated LCZ parcels surrounded by other zones may be inappropriate, and that Rural Living zoning may be suitable where an existing rural living settlement pattern is already established and the zoning would not create new or more intense rural living.

Those principles apply directly here. The subject land is already divided into lifestyle titles and already occupied. Applying Rural Living would recognise an existing settlement pattern; it would not create a new one.

4.1 Response to Ireneinc report (Direction 69) – key matters

Ireneinc matter (Direction 69 context)	Response in this submission
Existing rural residential subdivision / settlement pattern in parts of Neika	Supports applying RLZ to reflect established residential use and lot pattern (Sections 4, 8–10, 14 and 17).
Avoid the fragmented/isolated application of LCZ	LCZ is a poor fit where parcels are already titled, developed and surrounded by residential/rural living patterns; RLZ provides a more coherent response (Sections 4, 8, 10 and 14).
Landscape values and need for appropriate protection tools	Acknowledged, but better addressed via overlays and codes (Natural Assets, Scenic Protection, Priority Vegetation) rather than conservation-led zoning of existing residences (Section 10).

Bushfire risk, vegetation management and resident concerns	Central issue: access/egress constraints, vulnerability, and need for timely fuel/weed/verge management; LCZ risks creating barriers (Sections 11–13).
Reliance on desktop analysis vs site-specific context	Submission references LISTmap layers checked (25 April 2026) and locality conditions (weeds, verge conditions, hazards) to argue for a zone aligned to existing use (Sections 3 and 11–13).

5. Statutory framework and LUPAA considerations

The Local Provisions Schedule must meet the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA).

As summarised in the Ireneinc report, LUPAA’s objectives include promoting sustainable development; providing for the fair, orderly and sustainable use and development of land; and promoting health and wellbeing by ensuring a pleasant, efficient and safe environment for working, living and recreation.

Sustainable development, in summary, requires management of natural and physical resources in a way that enables communities to provide for their social, economic and cultural wellbeing and for their health and safety, while sustaining environmental values for future generations.

This submission turns on that required balance: environmental and landscape values must be recognised, but so must the reality of existing residential occupation and the need to protect life and property in a bushfire-prone setting. That balance must expressly account for vulnerable people, for whom even small increases in cost, delay or administrative complexity can translate into materially higher risk.

Planning settings should recognise that not all residents have the same capacity or resources to navigate complex approval pathways or pay for specialist services to undertake basic, safety-driven works. These burdens can fall disproportionately on vulnerable people (including people with disabilities, injury, age-related vulnerability, limited mobility, financial constraint, or literacy and administrative barriers).

In that context, planning decisions should prioritise the protection of human life and support timely, practical risk-reduction on already-occupied properties.

- vegetation control
- fuel reduction (including ground fuels)
- hazardous tree works and management of overhanging fuels
- verge management to maintain sight lines and safe road width
- maintaining access for evacuation and emergency vehicles; and
- maintaining defensible space around existing homes.

A zoning outcome that increases cost, delay and uncertainty for these life-safety works is not fair, orderly or sustainable planning.

6. Direction 69 and the Commission’s current process

Mr Barta does not seek an outcome that enables urban-style densification or suburban expansion. He seeks a zone that accurately reflects the established residential use of the subject land in a rural/bushland setting and

supports safe, practical day-to-day land management in an extreme bushfire risk environment. The subject land supports low-level horticulture and rural-living activities typical of lifestyle lots, including vegetable gardens, fruit trees and the keeping of chickens and goats.

The Chair's statement also confirms that Council's position is that, where more than one zone is considered appropriate and landscape impacts are the key issue, the least restrictive alternative should be applied. However, the Commission will make its own decision based on the LPS criteria in section 34 of LUPAA.

That is directly relevant here.

If the Commission accepts that RLZ and LCZ could each be contemplated, then it should apply the least restrictive option that properly reflects the land's established residential use and still manages landscape and environmental impacts through the existing overlay/code framework.

On the evidence, that is RLZ.

7. Section 8A Guidelines

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 state that the spatial application of zones and codes should, as far as practicable, be consistent with and coordinated with the LPS that applies to an adjacent municipal area, as required by section 34(2)(g) of LUPAA.

Both matters assist this submission.

The Section 8A task is straightforward: apply the zone whose purpose best matches the land's dominant use, and do so in a way that is coordinated across the municipal boundary.

On both criteria, the proposed Landscape Conservation Zone is weak.

The RLZ provides for residential use or development in a rural setting where services are limited or where existing natural and landscape values are to be retained. It also provides for compatible agricultural use and development that does not adversely impact residential amenity. The Section 8A Guidelines say the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower-order rural activities, with priority given to the protection of residential amenity.

That is the clearest match for this locality.

The LCZ has a different purpose. It is intended to provide for the protection, conservation and management of landscape values and compatible use or development that does not adversely impact those values. The Guidelines say it should be applied to land with landscape values identified for protection and conservation, such as bushland areas, large areas of native vegetation, or important scenic values, where some small-scale use or development may be appropriate. The Guidelines also state that LCZ should not be applied to land where the priority is residential use and development.

That is the problem.

The subject land is already residential. The lots are already created. The dwellings already exist. The land is already used for rural living activities. The zoning should reflect that reality.

7.1 Additional statutory and strategic reasons the LCZ should not be applied

The following matters provide further reasons (consistent with section 34 of LUPAA, the Section 8A Guidelines and relevant strategic planning direction) to reject the application of the Landscape Conservation Zone to the subject land and to apply Rural Living:

1. **Zone purpose must match the dominant use and intended function of the land:** the subject land is already developed and occupied for residential use on an existing lifestyle lot. LCZ is expressly not intended to be the primary zone where residential use and development is the priority.
2. **Least-restrictive appropriate zoning:** where more than one zone may be contemplated, the Commission should prefer the least restrictive alternative that properly manages impacts. RLZ can do so while overlays and codes manage natural values.
3. **Overlays and codes provide targeted protection:** Natural Assets, Scenic Protection, Priority Vegetation, Bushfire-Prone Areas and Landslip Hazard overlays/codes already provide assessment triggers and standards. Using LCZ as a substitute duplicates controls and increases cost and uncertainty for routine, safety-driven works.
4. **Health and safety / risk management:** in a bushfire-prone locality with constrained access/egress, planning controls should not add unnecessary financial or administrative barriers to fuel reduction, weed control, hazardous tree works, and verge/sightline maintenance that support evacuation and emergency response.
5. **Cross-boundary coordination:** the Section 8A Guidelines and LUPAA section 34(2)(g) require zoning to be coordinated with the adjoining municipal area as far as practicable. Similar settlement patterns and hazards across the boundary support RLZ rather than isolated LCZ.
6. **Settlement strategy consistency:** applying a conservation-led zone to existing, established rural residential titles risks an incoherent outcome where residents are treated as if they occupy conservation land, despite long-established subdivision and occupation. RLZ better reflects an existing settlement pattern without facilitating new urban expansion.
7. **Equity and vulnerability:** the practical burden of complex approvals falls most heavily on vulnerable residents (physical vulnerability, financial constraint and administrative/literacy barriers). A zone that increases those burdens in a high hazard setting is not a fair or sustainable planning outcome.

8. RLZ as the preferred outcome

The RLZ is the best fit.

The subject land is residential land in a rural/bushland setting. The lots are larger than ordinary suburban lots, but they are not large conservation holdings. The average lot size is approximately 4 hectares. The land is used for an established dwelling and ancillary outbuildings, gardens and accessways, and domestic-scale rural living activity including vegetable gardens, fruit trees and keeping of chickens and goats.

That is rural living in the ordinary sense.

It is also rural living in the Section 8A sense.

The Guidelines identify the RLZ as suitable for larger residential lots where existing and intended use is a mix of

residential and lower-order rural activities (with examples including hobby farming), but priority is given to the protection of residential amenity.

The subject land falls squarely within that description.

Mr Barta is not seeking a zone that opens the door to intensive subdivision. He is seeking a zone that recognises the existing title pattern and use. If RLZ C or D is applied, depending on the final lot size selection, the existing average lot size of approximately 4 hectares would not create any meaningful opportunity for densification. It would recognise the existing settlement, not expand it.

That is important because some objections to RLZ appear to assume that RLZ necessarily creates new settlement growth. It does not have to. The appropriate RLZ sub-zone can be selected to reflect the existing lot pattern and avoid further subdivision potential.

The Ireneinc report itself notes that Rural Living may be appropriate where there is an existing rural living settlement pattern and where the zoning does not provide for more intense rural living, because the rural living lot size is similar to the existing pattern.

That is exactly the case here.

9. LCZ is not the best fit

LCZ is not supported because it does not best reflect the land's dominant, long-standing function as an established rural residential locality, and it risks creating unnecessary practical constraints on routine land management in a high bushfire risk environment.

The subject land is private freehold land already divided into lifestyle lots and already occupied for residential use. While it contributes to a vegetated landscape character, it is not land being managed primarily for conservation purposes.

RLZ can retain natural and landscape values while properly recognising the existing residential use and enabling safe, practical property management. LCZ is therefore an unnecessarily blunt fit for this locality.

10. Natural values and overlays

Mr Barta understands that vegetation is present in the locality and that landscape considerations are relevant. However, based on the landowner's understanding and a review of LISTmap layers (checked 25 April 2026), no mapped threatened species records, threatened native vegetation communities, or mapped conservation values were identified for the subject site in the layers reviewed.

In that context, the available information does not support treating the Landscape Conservation Zone as the primary planning response for the subject land, particularly given its established residential use and the need for ongoing vegetation, weed and fuel management.

The Ireneinc report identifies that the Neika locality is already mapped with relevant overlays, including Waterway and Coastal Protection Area, Scenic Protection Area, Priority Vegetation, Bushfire-Prone Areas and Landslip Hazard.

This means the planning scheme already has tools to manage site-specific matters at the development assessment stage, without relying on a conservation-led zone as the primary control.

Those tools are more targeted than applying a conservation-led zone across an established residential locality.

The Ireneinc report also records that, in other contexts, the TPC has considered the nature, extent and status of vegetation, the prominence of land in the landscape, and the extent to which the Priority Vegetation Area overlay offers appropriate controls on vegetation removal.

That approach is relevant here. The zone does not need to carry all environmental protection functions where overlays and codes already apply.

11. Bushfire risk and protection of life and property

Mr Barta's instructions are informed by his role as Brigade Chief for the Fern Tree Fire Brigade. Based on operational experience, he has indicated that safe fire appliance access to this area can be severely constrained by dense vegetation, overhanging fuels, narrow verges and limited road width. These constraints are regularly discussed at brigade level in relation to known pinch points along the wider corridor, including Morphet's Road and Pattis Place Drive, and Menugganah (noting this is within the City of Hobart local government area). In practice, even where vegetation appears to meet nominal vertical clearance guidance (for example, branches higher than 4 metres), falling limbs and tree failure during fire weather can still block driveways and roads and can trap occupants within a property, reducing the likelihood that crews will consider it safe to commit resources into the site. If roadside fuels were to ignite, fire intensity and radiant heat can rapidly make the corridor untenable, meaning crews may be unable to safely access or, critically, safely egress. In a low-density area, those operational realities require life risk to be weighed against responder safety and the prospect of entrapment. They also mean the consequences are not evenly shared: residents who are physically vulnerable, socially isolated, or less able to self-evacuate early face a higher likelihood of being caught in place at the very time that responder access may be most constrained.

This operational experience is also consistent with Tasmania Fire Service guidance on *Roadside Management for Bushfire Risk Mitigation* (information sheet, p.4), which recognises that in some contexts additional vegetation removal and ongoing maintenance may be warranted to achieve risk-mitigation objectives. The guidance identifies, for example, circumstances where: access and egress options are limited and evacuation would require travelling through bushland; there is extensive vegetation downslope of the carriageway that is likely to burn; the road provides access to a nearby safer place or vulnerable use; and/or there is other infrastructure within the road reserve that is critical to the functioning of a community. Those considerations are directly relevant to Huon Road in this locality, which functions as the primary evacuation route and response corridor for residents on constrained, heavily vegetated titles.

Bushfire risk is the central issue in this submission, because it is ultimately about whether people can survive a bad day. The subject land is in a high-risk bushfire environment. The locality is heavily vegetated and steep in parts, with significant ground fuels, weeds, overhanging vegetation and constrained access. Overgrown verges and unmanaged vegetation do more than create amenity issues: they narrow the effective road corridor, reduce sight distance around tight corners, and create continuous fuels along the very route people depend on to evacuate. In places, vegetation is also understood to be downslope of the carriageway, increasing the likelihood that a roadside ignition could quickly escalate and compromise evacuation. Some properties are understood to be in flame zone conditions.

Mr Barta is concerned that the proposed LCZ will make it harder, slower, more expensive and more uncertain to undertake the basic preventative work needed to keep a property defensible — including weed removal, fuel reduction, pruning or removing hazardous vegetation, and maintaining defensible space around the dwelling.

Importantly, these practical burdens fall most heavily on those least equipped to absorb them: not only residents who are physically vulnerable due to age, disability or injury, but also those experiencing financial constraint, and those who face literacy, administrative or other practical barriers in understanding, funding and navigating approval pathways.

This is not only a private land management issue. In a bushfire-prone locality, the reduced ability of some

landowners to carry out timely and effective fuel management has broader consequences for the surrounding community. Where residents are less able to maintain defensible space or reduce fuel loads, the risk is not confined to a single title — it increases the likelihood of fire spreading from one property to the next, placing adjoining landowners and the wider neighbourhood at greater risk.

In an area where access and egress may already be constrained, delaying or discouraging routine mitigation work increases the likelihood that residents may be caught in place without adequate defensible space or a safe exit route. The zoning framework should not, in effect, entrench residents in a high-risk environment while making practical risk reduction harder, slower and less accessible to achieve.

This is not an abstract planning debate. It goes to whether residents can reduce risk around their homes and whether they can evacuate safely on a narrow, winding road when conditions deteriorate.

The City of Hobart *Bushfire Management Strategy 2022* (pp.42–46 and p.65) frames safe access and egress as a core bushfire risk area and states that “clear exit routes can mean the difference between life and death”. It identifies radiant heat and fallen trees as key risks that can impede road access during fire conditions, and it adopts Tasmania Fire Service guidance on roadside management.



Image 1: Fallen trees across Huon Road are not an infrequent occurrence. Photo supplied by Mr Nick Barta.

Image 2: Tree debris left at the side of the road once a fallen tree has been cleared.

The Strategy identifies the Wellington Range eastern slopes, including Fern Tree, as a dangerous bushfire environment, and identifies Huon Road as one of four strategically important roads for managing fallen-tree risk (within the Hobart LGA portion of the corridor). The Strategy also records practical constraints, including that prescribed burning in wet forests is often unworkable, increasing reliance on fuel breaks, verge management on key access/egress roads, and community messaging to leave early.

Critically, the Strategy notes that ownership and responsibility for managing roadside vegetation along Huon Road can be unclear, and that sections of verge may be managed by different authorities (including utilities). It also makes clear that Hobart’s dangerous-tree assessment and removal programs apply within the Hobart LGA, not to the Kingborough stretch that includes 950 Huon Road, meaning the risk controls described for Huon Road north of the boundary may not be delivered to this locality unless Kingborough and other responsible authorities actively coordinate.

The Strategy reproduces the Tasmania Fire Service roadside clearance envelope (via Figure 14), including: vertical clearance of 4 metres for elevated fuels above the carriageway and roadsides; horizontal clearance of 2 metres either side of the carriageway with surface and near-surface fuels managed to a maximum of 100 mm; and a 3 metre clearance on the side where vehicles can pull off. These are practical, on-the-ground measures. If public-authority verge management is uncertain or inconsistent in this part of Huon Road, then it is even more important

that planning controls do not unnecessarily inhibit residents from managing roadside interfaces and on-lot fuels, to maintain visibility, access and evacuation capacity before a fire occurs.

The Section 8A Guidelines identify that the Bushfire-Prone Areas Code is applied by reference to a bushfire-prone area overlay, or in the absence of an overlay, to land within 100 metres of bushfire-prone vegetation equal to or greater than 1 hectare. The overlay is to be applied in accordance with maps approved by the Tasmania Fire Service.

This confirms that bushfire risk is an expected and formal planning consideration. It should not be treated as secondary to landscape retention.

The planning scheme should not create a perverse and dangerous outcome: the City of Hobart Strategy recognises that clear exit routes can mean the difference between life and death, yet existing residents are placed in a conservation-led zone that makes practical vegetation and verge management harder while operational advice is that access and suppression response may be constrained in extreme conditions. That is not risk management, it is shifting risk onto the people who live there. That is not a balanced planning outcome.

12. Vegetation management and weeds

The subject land is not pristine native vegetation.

The site photographs and landowner information identify significant weed presence on and near the subject land, including Spanish heath and foxglove. These weeds are prevalent in the region and are understood to have been introduced and/or spread during previous road grading and upgrade works.

Mr Barta needs to be able to manage this vegetation practically. That includes removing weeds, reducing ground fuel, managing overhanging branches to enable appliances to safely access and then egress (without fallen branches blocking the path), maintaining access, and creating defensible space around the dwelling. All of these criteria are assessed by emergency services when deciding whether it is safe to defend a home and the people inside it.

A zone that places landscape conservation as the primary purpose risks making those routine and safety-driven activities more difficult, slower and more uncertain.

That is not in the public interest, and it is not a sensible risk-management outcome.

Vegetation management in this locality is not about aesthetics. It is about staying alive: breaking up fuel continuity, reducing ember sources, keeping defensible space in place, and keeping roads, verges, driveways and sight lines usable so residents can leave and emergency services can reach them quickly in deteriorating fire conditions.

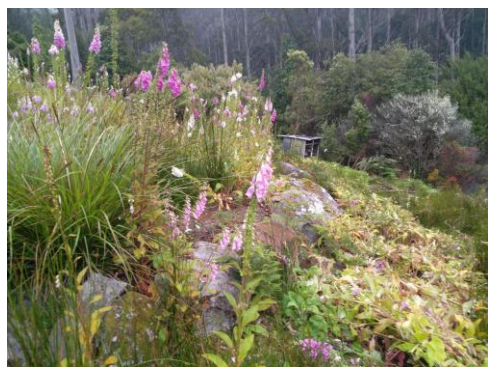


Image 3: Foxgloves, a declared weed which have spread throughout Neika. Photo taken on Mr Barta's land. This is not part of a managed decorative garden.

13. Cross-boundary consistency with Hobart

The attached mapping shows that similar land use and development in the adjoining municipal area has different zoning, particularly where properties are already developed for residential use.

This is important because the Section 8A Guidelines state that the spatial application of zones and codes should, as far as practicable, be consistent with and coordinated with the LPS that applies to an adjacent municipal area, as required by section 34(2)(g) of LUPAA.

The boundary between Kingborough and Hobart does not change the landscape, the bushfire risk, the road corridor, the vegetation, the slope or the existing residential use pattern.

Where similar land on one side of the boundary is treated as residential, and similar land on the Kingborough side is treated as Landscape Conservation, the zoning pattern is not obviously coordinated.

That does not mean the Hobart zoning must be copied automatically. But it does mean the difference must be justified.

In this case, the more consistent and fair approach is to recognise the existing residential use and lifestyle lot pattern through RLZ.

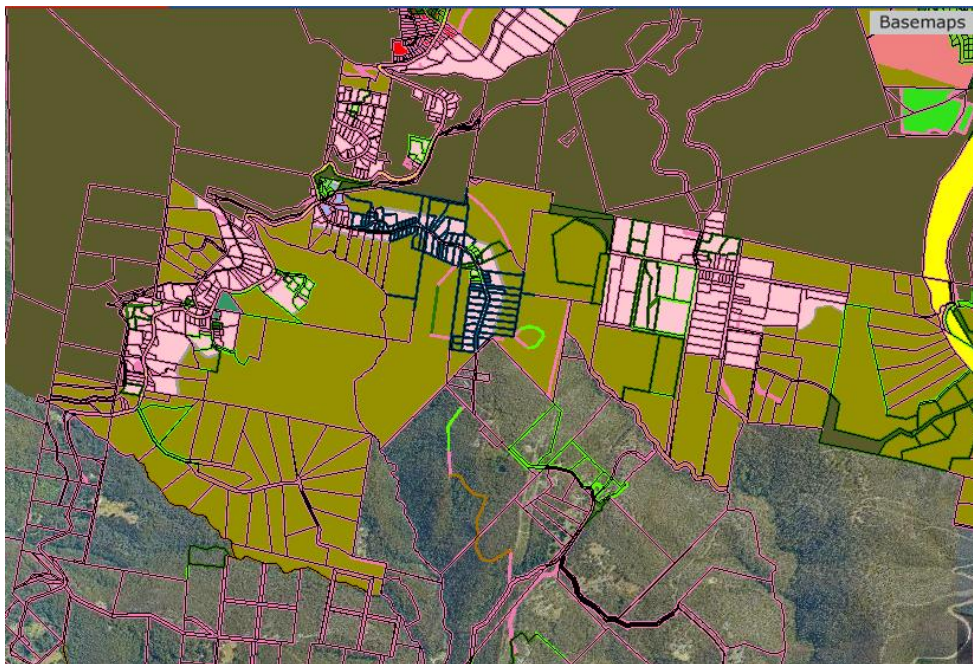


Image 4: Similar Rural Living zoned settlements – ribbon development along Huon Road, Summerleas Road and Turnip Fields Road.

14. Clarification: no request for increased densification

For clarity, this submission does not seek urban expansion, General Residential zoning, or an outcome that facilitates increased density. It seeks zoning that recognises the existing, long-established rural residential pattern and enables safe land management.

The average lot size is approximately 4 hectares, titles have long since issued, and dwellings are already established. A properly selected Rural Living sub-zone (with a minimum lot size reflecting the existing pattern) would recognise that reality without creating additional subdivision potential.

15. Recommendations

1. **Apply Rural Living Zone (RLZ):** change the proposed zone for [REDACTED], Neika from LCZ to RLZ, selecting a minimum lot size sub-area that reflects the existing title pattern and does not facilitate increased density.
2. **Rely on overlays and codes for natural and scenic values:** manage landscape and ecological outcomes through the existing overlay/code framework (including Scenic Protection, Priority Vegetation, Natural Assets and related codes), rather than using LCZ as the primary control on already-occupied residential titles.
3. **Do not create barriers to life-safety works:** ensure the zoning outcome does not introduce unnecessary cost, delay or uncertainty for routine bushfire risk mitigation, weed control, hazardous tree works, and verge/sightline maintenance that support evacuation and emergency response.
4. **Require cross-boundary coordination:** ensure zoning is coordinated with the adjoining Hobart LPS as far as practicable (LUPAA s34(2)(g) and Section 8A Guidelines), given the shared landscape, hazards and settlement pattern across the municipal boundary.
5. **Address roadside risk-management explicitly:** recognise that TFS roadside management guidance contemplates additional vegetation treatment where access/egress is limited and where roads serve vulnerable uses and evacuation routes; reflect this in the planning response for Huon Road as the primary corridor.

16. Strategic conclusion: regulatory duplication

The strongest planning argument is not that vegetation should be unmanaged. It is that Kingborough already has an exceptionally dense and overlapping regulatory framework for vegetation and tree management. The practical issue is not regulatory absence; it is regulatory duplication and overreach.

Tree and vegetation protection is already achieved through:

- planning zones;
- biodiversity and natural values controls (including the Natural Assets and Priority Vegetation framework);
- bushfire controls (including the Bushfire-Prone Areas Code);
- overlays (including Scenic Protection and Landslip Hazard);
- permit conditions and offsets (where applicable);
- title restrictions and covenants (where applicable); and
- State and Commonwealth environmental law.

17. Conclusion

The subject land should not be treated as undeveloped conservation land, or as land where conservation is the dominant planning purpose, given its established residential use and the absence of identified site-specific conservation values on LISTmap.

The subject land at [REDACTED] is just under 4 hectares and is already developed and occupied for residential use, with a dwelling, fencing and ancillary outbuildings. It supports domestic-scale rural living and low-level horticulture activities including vegetable gardens, fruit trees and keeping of small farm animals. The property and surrounding locality are affected by serious bushfire risk, including heavy vegetation in the broader landscape, weed infestation (including Spanish heath and foxglove), ground fuels and constrained access along a narrow, winding road corridor with frequent tight corners.

The Ireneinc report itself recognises that parts of Neika display a rural residential subdivision pattern, with lots generally ranging between 2 hectares and 7 hectares and existing residential uses and associated development. It also recognises a semi-rural character with vegetation, residences and rural activities.

Those findings support RLZ, not LCZ.

The Section 8A Guidelines also support that outcome. RLZ is intended for larger residential lots where existing and intended use is a mix of residential and lower-order rural activities (with examples including hobby farming), with priority given to residential amenity.

That description aligns with [REDACTED], which is an established lifestyle lot with current, and proposed domestic-scale rural living activity (vegetable gardens, fruit trees, goats and chickens) in a bushland setting.

LCZ is too restrictive and not properly aligned with the established use of the land. It gives priority to landscape retention in a locality where the more urgent planning task is to recognise existing residential occupation and allow safe, practical land management.

For those reasons, Mr Barta respectfully requests that the Commission reconsider the proposed LCZ and apply RLZ to the subject land at [REDACTED].

Bushfire Management Coverage

Attachment 2

Attachment 2 should be read alongside the City of Hobart *Bushfire Management Strategy 2022* and the Tasmania Fire Service roadside management guidance it adopts. The risk template summarises why zoning that enables routine, safety-driven vegetation management is critical for [REDACTED].